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FURTHER REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS OBSERVER MISSION IN EL SALVADOR

INTRODUCTION

1. The present report is submitted to the Security Council in compliance with resolution 832 (1993). It describes the activities of the United Nations Observer Mission in El Salvador (ONUSAL) for the period from 22 May to 20 November 1993.

2. Since my report of 21 May 1993 (S/25812 and Add.1-3) on the overall implementation of the Peace Accords signed between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN), I have submitted a number of reports on specific aspects of the implementation process. These include my letter of 8 June (S/25901) and my reports of 29 June and 30 August (S/26005 and S/26371) on the discovery and destruction of illegal arms deposits belonging to FMLN, my report of 14 October 1993 regarding the implementation of the recommendations of the Commission on the Truth (S/26581) and my report of 20 October (S/26606) on the activities of the Electoral Division of ONUSAL. In addition, the seventh and eighth reports of the ONUSAL Human Rights Division are contained in documents S/26033 and S/26416 and Add.1.

3. Mr. Augusto Ramirez-Ocampo has continued to serve as my Special Representative and Chief of Mission. The ONUSAL Electoral Division began operating in September 1993.

4. The discovery in Nicaragua on 23 May 1993 of an illegal arms cache belonging to FMLN and the latter's subsequent admission that it had maintained large quantities of weapons both within and outside El Salvador marked a serious violation of the Peace Accords. The United Nations Observer Mission in El Salvador (ONUSAL), in collaboration with the Governments concerned and with the full cooperation of FMLN, undertook the complicated task of verifying and destroying the undeclared arms. On 30 August, I confirmed to the Council (S/26371) that the military structure of FMLN had been effectively dismantled and that its former combatants had been demobilized and reintegrated into the civil, institutional and political life of the country.

5. At the end of July, after a delay of several months, I was in a position to report to the Council (S/26052) that the Government had taken the necessary

steps to comply with the provisions of the Peace Accords relating to the recommendations of the Ad Hoc Commission on the Purification of the Armed Forces of El Salvador.

6. Several other key aspects of the Peace Accords continued to suffer serious delays. The programme for the transfer of lands fell further behind the targets agreed in October 1992. Delays also affected the reintegration programmes for ex-combatants and war-disabled. Serious difficulties affected the operations of the National Public Security Academy and the deployment of the National Civil Police. Additional problems arose over the lack of a plan for phasing-out the National Police and the establishment of the functional divisions of the National Civil Police, including the transfer to them of members of the Criminal Investigation Commission and the Special Antinarcotics Unit. The collection of weapons previously issued for the exclusive use of personnel of the Armed Forces of El Salvador remained far from incomplete.

7. In late August, ONUSAL held a series of meetings with each of the parties in an effort to find ways of tackling these delays. There followed, on 8 September 1993, a meeting at the highest level between the two parties and ONUSAL, at which it was agreed to "sweep the table clean" with respect to outstanding agreements before the start of the electoral campaign on 20 November 1993. Commitments were undertaken on the adoption of draft laws on the possession of weapons and the regulation of private security services; the submission of a plan for the phasing-out of the National Police; measures to ensure the civilian character of the National Civil Police and its autonomy from the Armed Forces of El Salvador; deployment of the National Civil Police; the admission of former FMLN combatants at the executive and senior levels of the National Public Security Academy; and plans to accelerate the transfer of land and the reintegration programmes. Agreement was reached on measures aimed at strengthening the climate of reconciliation, including cooperation in eradicating armed illegal groups and a pledge to refrain from mutual accusations in cases of serious incidents. A timetable was devised by ONUSAL for implementation of these commitments and joint government-FMLN-ONUSAL working groups were created or reinforced to deal with various of them.

8. The National Commission for the Consolidation of Peace (COPAZ), with its subcommissions, has continued to exercise its function of supervising implementation of the Peace Accords, with ONUSAL present as an observer. Despite the slowness of its decision-making process, which requires consensus, COPAZ has continued to play a useful role.

9. In August, the Forum for Economic and Social Consultation reached agreement on an agenda for its discussion of reforms of El Salvador's labour legislation. This came after several weeks of stalemate caused by disagreements among government, business and labour representatives on International Labour Organization (ILO) conventions relating to collective labour rights. The creation of a Labour Council within the Ministry of Labour, which institutionalizes consultations among the three parties, is a positive development. However, ILO conventions on collective rights have yet to be ratified.

10. In response to increasing crime and growing public concern about security, the Government has deployed the Armed Forces in several parts of the country in

a deterrent role. A key provision of the Peace Accords is that the Armed Forces should be used for public security functions only in exceptional circumstances, which should be reported to the Legislative Assembly. ONUSAL has pressed the Government, so far without success, to make such a report in order to respect this constitutional provision.

11. In recent weeks, a number of murders and assaults have raised fears about the possible resurgence of illegal armed groups with political objectives, including the so-called death squads. In October, the Division of Human Rights of ONUSAL alerted the Government to this danger and stressed the usefulness of establishing an autonomous mechanism for the investigation of these incidents. The subsequent killings of two senior FMLN leaders, a member of the governing party (ARENA) and two former municipal officials belonging to that party, brought this issue into sharper focus. In view of these killings and the ONUSAL position as expressed by its Human Rights Division, the Government created an Interinstitutional Commission to investigate this type of crimes. At a meeting between the President and the FMLN leadership (with ONUSAL present), it was decided to invite foreign experts to cooperate in the investigation of the cases of the two senior FMLN leaders. This led to the creation of a subgroup of the Commission, the Interinstitutional Investigation Group for that purpose. On 29 October, ONUSAL informed the Government that the Interinstitutional Commission did not meet United Nations criteria for the investigation of summary executions. Nevertheless, in compliance with its observation function, ONUSAL has been following closely the work of the subgroup. On 3 November 1993 I conveyed my concerns in a letter to the President of the Security Council (S/26689), to which the Council responded with the President's statement of 5 November 1993 (S/26695).

I. MILITARY ASPECTS

A. Matters relating to the end of the armed confrontation

12. As at 1 November 1993, ONUSAL had a strength of 31 military observers from Brazil, Canada, Colombia, Ecuador, Spain, India, Ireland, Sweden and Venezuela and 7 medical officers from Argentina, deployed in two regional offices in the western and eastern parts of the country, from which they patrol, in particular, the former zones of conflict. During the period under review they were concerned mainly with the aftermath of the explosion in Managua on 23 May 1993 of an arsenal belonging to the FMLN faction "Fuerzas Populares de Liberación". The incident was covered in my reports to the Council dated 8 June, 29 June and 30 August 1993 (S/25901, S/26005 and S/26371) and by the Council itself in its statement of 11 June 1993 (S/25929). It required ONUSAL to verify and destroy the 128 widely dispersed caches declared by FMLN in El Salvador (109), Nicaragua (14) and Honduras (5), containing 38 missiles and approximately 3,000 individual and collective weapons.

13. The Armed Forces of El Salvador, which, as I reported in May, had completed the reduction of its troops in March 1993, developed plans for the reduction of its officer strength. However, the reintegration programmes for demobilized soldiers have been seriously delayed. The payment of compensation (one year's wages) stipulated by the Peace Accords has not yet begun and the land transfer

and training programmes cover only a very small percentage of the potential beneficiaries.

14. In November 1992 (see S/24833, para. 28), ONUSAL verified, from documentation and various personal interviews, the disbanding of the former National Intelligence Department and the handover of all its premises to other units of the Armed Forces of El Salvador, in accordance with the Peace Accords. The Government stated that the Department's files would remain in the care of the Armed Forces of El Salvador Joint Chiefs of Staff but has not yet clarified how they will ultimately be disposed of. Department files that could allude to persons reintegrated into the civil, political and institutional life of the country are supposed to be destroyed or transferred to the State Intelligence Agency. ONUSAL also verified the creation of that Agency and the appointment of its Director, in keeping with the Peace Accords. The intelligence activities of the Armed Forces should now be carried out within the framework of the doctrinal principles that appear in chapter I.3 of the Peace Accords and derive from the reformed Constitution. It is not fully clear that the above provisions have been adequately complied with and ONUSAL is pursuing this matter with the Government.

B. Recovery of weapons of the Armed Forces held by private individuals

15. The recovery by the Government of Armed Forces of El Salvador weapons held by private individuals has been very seriously delayed and cannot be fully implemented until two laws regulating the use and possession of arms by individuals and by security institutions are enacted and in force. The first of these is before the Legislative Assembly and close to being approved. The second has not yet been submitted by COPAZ to the Legislative Assembly. At the high-level meeting on 8 September 1993, the Government undertook to collect these weapons and substitute others for them by 20 November 1993. This has not happened, although work is under way to verify the weapons concerned with a view to establishing a comprehensive inventory of them.

C. Clearing of minefields

16. After collaborating with the working group that prepared the demining programme for El Salvador (S/25812, para. 22), ONUSAL military observers helped to coordinate and control the clearing of 425 minefields. Contractual problems between the Government of El Salvador, which assumed financial responsibility for the project in the absence of a commitment by international aid organizations, and an international company have prevented the completion of the programme, although it is 80 per cent complete and is expected to be terminated before year's end.

D. Other matters

17. During the period under review, and in compliance with the Accords, the Armed Forces of El Salvador has disseminated its new doctrine. It has likewise initiated courses, seminars and conferences for its members and for other

sectors of Salvadorian society in accordance with this new doctrine. Worthy of note is the organization of the first advanced strategic studies course in which, for the first time, military officers and civilians from a broad range of institutions and political parties, including FMLN, study and analyse security and national defence problems and the new role of the Armed Forces of El Salvador in Salvadorian society.

18. Military observers have been monitoring the deployment of the Armed Forces of El Salvador for public security duties ("plan vigilante"). According to the Government, the plan is aimed at completing the training of the Armed Forces of El Salvador and deterring crime by deploying the Forces on roads in high-crime areas that are not in former conflict or urban zones. ONUSAL's reaction to this move is described in paragraph 10 above.

II. PUBLIC SECURITY MATTERS

A. Police Division

19. The Police Division, which has a current strength of 277 police observers contributed by Austria, Brazil, Chile, Colombia, France, Guyana, Italy, Mexico, Norway, Spain and Sweden, continues to perform its task of monitoring and assisting the National Police during the period of transition until its complete replacement by the National Civil Police, which should take place by 1 September 1994, as established in the Organic Law of the National Civil Police. Between October 1992 and July 1993, police observers also supervised and supported the Auxiliary Transitory Police, which was responsible for maintaining public order and security in the former zones of conflict during those months. In response to a government request that ONUSAL provide support to the National Civil Police for a six-month period and in close coordination with the international technical team that advises the Director General of the National Civil Police, the Division carried out, between 1 April and 30 September 1993, an evaluation of the performance of the new police force in the field and provided it with technical advice and logistical support. The Government did not request an extension of this support and the Division has had to limit its involvement with the National Civil Police to observation of its performance in order to verify compliance with the Peace Accords. ONUSAL remains ready to help the Government to complete the territorial and functional deployment of the National Civil Police on time.

20. The Division also supports the Human Rights Division, to which 19 police observers are seconded, and the Electoral Division. Police observers conduct special inquiries when required and verify that appropriate security measures are provided for FMLN leaders, as established by the Accords. The Division also provides observers for the admission examinations to the National Public Security Academy.

B. National Public Security Academy

21. The Academy, which is responsible for the training of recruits to the National Civil Police, celebrated its first anniversary on 1 September 1993. In 14 months it has graduated eight basic-level classes with a total of about 2,306

students, of whom 44 are National Civil Police officers. It is now training an additional 2,200 basic-level students and nearly 200 executive and senior-level students and intends to graduate a total of 5,700 agents and 240 officers by end-July 1994, as envisaged in the Peace Accords and in the supplementary agreements of August 1992. In order to attain that target the Academy has increased its monthly recruitment from the 330 established in the Accords to more than 400. It may be advisable to maintain the monthly intake of 400 after July 1994 in order to reach the tentative goal of around 10,000 agents and 500 officers before the target date of mid-1999 set by the Peace Accords.

22. Perhaps the greatest challenge that the Academy faces in the coming months is that of simultaneously training by end-July 1994 both agents and officers required by the National Civil Police for its territorial deployment and specialists to staff its various functional divisions. It has already begun training the first members of the Transit and Finance Divisions, although the number planned for the latter Division would seem insufficient to replace the 1,200-strong Customs Police. The training of officers for the Division for the Protection of Eminent Persons and the Borders Division will take place between February and July 1994. During the second half of 1994, the Academy will train experts in arms and explosives and the environment. The plan envisages the training of a total of 810 specialists by November 1994. It does not, however, include the training of specialists in criminal and antinarcotics investigations, as those two divisions will initially be staffed with personnel transferred from the existing Criminal Investigation Commission and the Special Antinarcotics Unit.

23. The complementary accords of June 1992 established that, during the transition period, 20 per cent of entrants to the Academy would be from FMLN and 20 per cent from the National Police and the remaining 60 per cent would be persons who had not participated in the armed conflict. The National Police has already filled its quota and FMLN has committed itself to doing so before the end of the transition period. More and more of the new recruits will thus have to be persons who did not participate directly in the armed conflict. The Academy will accordingly have to increase its recruitment campaign among the civilian population.

24. The Academy has discovered that some 40 candidates who requested admission as civilians had been former FMLN combatants. FMLN stated that that did not result from a deliberate policy on its part but from the decisions of individual candidates and requested that the persons concerned be counted as part of its 20 per cent quota.

25. In order to verify whether former members of the Treasury Police, National Guard and elite battalions (immediate reaction infantry battalions) have also been admitted to the Academy as civilians, ONUSAL asked the Government in October to provide the Academy with lists of the personnel of those bodies prior to their dissolution and demobilization. The Government has not yet responded to that request, thus preventing this verification from being carried out. I must also reiterate the concern expressed in my previous report (S/25812, para. 43), regarding some candidates submitted by the National Police to the National Civil Police. The problems referred to in my reports of November 1992 and May 1993 (S/24833, para. 37, and S/25812, para. 30) that resulted from the incorporation in the executive and senior levels of the Academy of 10 former

officers of the National Guard and the Treasury Police have finally been overcome.

26. The Academy has continued to receive the support of an international team of experts from Spain and the United States of America that provides the Director and the Academic Council with advice on aspects such as the recruitment and selection process, curricula, finances and discipline. Instructors from Chile, Norway, Spain and the United States play a full part in the training. Currently, the Academy has a total of 38 international experts and instructors, and three new instructors from Sweden are expected to join soon. It is essential that this international support be maintained. At the same time, the Academy should begin training Salvadorian instructors, chosen from among its own graduates.

27. ONUSAL continues to monitor the functioning of the Academy and is represented by an observer at its Academic Council. It also monitors the admissions examinations and recommends improvements when necessary. Its Human Rights Division is organizing, jointly with the Academy, seminars and workshops on human rights and provides literature on the subject. ONUSAL remains ready to provide personnel from its Police Division to support and complement the efforts of the international technical team.

28. In the Government's budget for 1994, recently presented to the Legislative Assembly, about US$ 10 million has been assigned to the Academy, a slightly higher level than in the current year. This will need to be complemented by continuing support from the international community. In addition to the Governments of Spain, the United States and Norway, which have been involved in the project from the outset, Germany and Sweden have recently contributed to it. I appeal to other Member States to follow suit.

C. National Civil Police

29. The National Civil Police, which began operating in March 1993, is currently deployed in six departments. By year's end, it will have replaced the National Police in 9 of the 10 departments where its deployment was planned for 1993. During the first half of 1994, it will begin operations in all remaining parts of the country except the capital, San Salvador, where it will initiate its deployment in July 1994, where, it should be noted, a partial deployment took place in early October 1993 as part of a plan to combat the high level of delinquency.

30. As regards the National Civil Police's functional divisions, the deployment of its Territorial Traffic Division began in October and that of the Finance Division in November. The Protection of Eminent Persons Division will follow in February 1994, the Border Division in April, the Arms and Explosives Division in June and the Environmental Division in the second half of 1994. The Criminal Investigation and Antinarcotics Divisions should be constituted before the end of 1993 with the integration of personnel from the Criminal Investigation Commission and the Special Antinarcotics Unit, respectively.

31. However, as I informed the Council in May (S/25812, para. 35), the integration of former Criminal Investigation Commission and Special

Antinarcotics Unit personnel into the National Civil Police must be carried out in accordance with the complementary agreements of 22 December 1992, which establish that personnel of those bodies wishing to join the National Civil Police must first be evaluated by its Director-General, under ONUSAL verification and based on criteria of professional competence and suitability to join the new civilian police force. They must also pass a special course on the new National Civil Police doctrine at the National Public Security Academy. As indicated in my report to the Council on the implementation of the recommendations of the Commission on the Truth (S/26581, annex, para. 30), ONUSAL is still not in receipt of all the information that it has requested on the candidates, nor have its recommendations for improving the procedures for transferring personnel from those units to the National Civil Police been given due consideration. These include psycho-technical tests and conceptual tests on the new National Civil Police doctrine. Moreover, under the complementary agreement of 22 December 1992, those members of the Special Antinarcotics Unit and the Criminal Investigation Commission who were at the same time members of the Armed Forces should have resigned from the Armed Forces of El Salvador before joining the National Civil Police. ONUSAL has not so far succeeded in obtaining the necessary documentation to verify that this provision was complied with.

32. A further cause for concern is that, although ONUSAL has not yet been able to verify the manner in which this transfer is being carried out, Special Antinarcotics Unit and Criminal Investigation Commission personnel have already joined the National Civil Police. Moreover, contrary to the complementary agreement of 22 December 1992, which provided that Special Antinarcotics Unit personnel would be incorporated only into the National Civil Police's Antinarcotics Division, Special Antinarcotics Unit personnel have already begun fulfilling other functions, for example, those of Chief of the National Civil Police detachment in San Miguel, which is the second most important detachment in the country.

33. It is also a matter of concern that the Government submitted the relevant legislation regarding Criminal Investigation Commission and Special Antinarcotics Unit transfers directly to the Legislative Assembly, bypassing COPAZ, and that some of the provisions in one of the new laws are not consistent with the Organic Law of the National Civil Police or some international instruments on human rights. It is essential that other laws and regulations relating to National Civil Police be discussed by COPAZ before being submitted to the Legislative Assembly.

34. Nor has the subcommission of COPAZ for the National Civil Police been permitted to function as a consultative body to the Director-General. Contrary to the Peace Accords and the renewed commitment made by the Government at the high-level meeting of 8 September 1993, the Director-General has not been requesting its opinion before adopting relevant decisions or measures regarding the organization and deployment of the National Civil Police.

35. It is also essential that the National Civil Police's organic structure be completed with the immediate appointment of its Inspector-General, whose responsibilities include monitoring and controlling the activities of the force's operational and management services, as well as its respect for human

rights. The units on control and disciplinary investigation should also be established without further delay.

36. The Government's failure to provide the National Civil Police with adequate logistical and technical support is another factor that is compromising the new force's ability to perform its functions. In early November 1993, the 1,740 civilian policemen deployed in 5 departments and partially in another 3 had only 67 vehicles (one third of which were in the capital), 31 motorcycles (all in San Salvador) and 134 portable radios. This is blatantly insufficient. In addition, working conditions in National Civil Police stations are generally very poor. This lack of support imposes considerable strain on the civilian policemen, taxes their morale and hampers their performance, in spite of their best efforts. It is important that the Government immediately make available to the National Civil Police resources previously assigned to the National Police and other public security bodies.

37. It is also necessary for the Government to provide the National Civil Police with an adequate budget. It has asked the Legislative Assembly for an increase from $12 million for 1993 to $33 million for 1994. However, the Director-General of the National Civil Police has told ONUSAL that this is still $20 million short of what is technically necessary and this shortfall could affect future National Civil Police deployment. While the primary responsibility must rest with the Government, I hope that the international community will support the Government's efforts, especially by providing the National Civil Police with some of the equipment it needs. The United States and Sweden have set an encouraging example in this regard.

D. National Police

38. In early October the Government presented its plan for the phasing out of the National Police, for which ONUSAL had been pressing since February. It consists of two phases: during the first phase (October 1993-May 1994) 2,400 policemen will be demobilized at a monthly rate of 300; during the second phase (May-October 1994), 6,850 will be demobilized at a monthly rate of 1,370. The plan also establishes that the Customs Police, comprising 1,211 policemen, will be demobilized when the National Civil Police Finance Division becomes operational. A total of 10,461 National Police will thus be demobilized. The National Police training school, which currently graduates between 60 and 100 agents per month, will be closed at the end of 1993.

39. The figures contained in the Government's plan confirm my statements in previous reports that the National Police was significantly strengthened after the signing of the Peace Accords. The insistence of the Government on this policy, and in particular on keeping the National Police training school in operation until the end of 1993, is difficult to reconcile with the Peace Accords. As the National Police's 20 per cent quota has already been filled, graduates from the National Police school will not be qualified to join the National Civil Police; this means that the effect of its continued operation has been to deprive the National Civil Police of potential recruits.

40. The Government's plan is at variance with the Organic Law of the National Civil Police, which provides that the National Police should disappear by

1 September 1994. Moreover the plan to maintain the bulk of the National Police after the deployment of the National Civil Police is virtually complete would be inconsistent with the principle contained in the Accords that the National Civil Police should progressively replace the National Police as it deploys throughout the country. ONUSAL is therefore pressing the Government to accelerate the reduction of the National Police and bring its phasing-out into line with the rate of deployment of the National Civil Police.

41. It will be evident from this section of the report that there are many causes for concern about the way in which the police and public security provisions of the Peace Accords are being implemented. I accordingly decided to send to El Salvador a small police mission to assess the current state of implementation and make recommendations on how the United Nations can further support this vital part of the Peace Accords. The mission arrived in San Salvador on 16 November 1993.

III. HUMAN RIGHTS AND THE ADMINISTRATION OF JUSTICE

42. During the period under review, reports covering ONUSAL's work in the area of human rights were submitted to the General Assembly and the Security Council under my notes of 2 July, 15 September and 27 October 1993 (S/26033, S/26416 and Add.1). The Human Rights Division continues its active verification and its programmes in support of the institutions responsible for the administration of justice and protection of human rights. Of special relevance are activities being carried out with the Supreme Court of Justice for the training of judges and magistrates and support to the Armed Forces of El Salvador in the development of a new democratic doctrine and the revision of curricula in the military academies relating to human rights and constitutional law. The Division cooperates with the Office of the National Counsel for the Defence of Human Rights, with which it signed an agreement aimed at the transfer to the Counsel's Office of experience and investigative technology when ONUSAL withdraws from El Salvador. A permanent consultative mechanism exists at the highest level between the Division and the Counsel's Office with a view to conducting joint verification activities in the near future.

43. During the period covered by the Division's most recent report (S/26416), the human rights situation has evolved in a somewhat ambivalent fashion, showing in some areas signs of improvement and in others an increase in serious violations. Problems relating to the right to life, individual liberty, personal integrity and due process have intensified. There has been a troubling 34 per cent rise in complaints of arbitrary executions: 43 in the current quarter, as compared with 32 in the preceding one.

44. Particularly worrying are the activities of the so-called "death squads". Taking on names used in the past, or using newly created ones, these illegal groups have been the authors of numerous death-threats with clearly political connotations. At the same time, groups who purport to take the law into their own hands against supposed common delinquents have also been making death-threats and carrying out murders. The emergence of criminal organizations of this type seriously affects the stability of the peace process by eroding confidence and security, which are its fundamental bases.

45. The assassination on 25 October 1993 of Francisco Velis, a member of the FMLN National Council and a candidate for the forthcoming elections, was a particularly grave occurrence that added force to fears about the resurgence of death squads. The murder, five days later, of Eleno Castro, another member of the FMLN National Council, and the subsequent discovery of the bodies of several FMLN supporters killed in a style reminiscent of the death squads that operated with impunity during the years of armed conflict raised political tension and led many to fear a new human rights crisis in El Salvador. At the same time at least three members of the governing party (ARENA) have also been murdered in recent weeks. All these murders have been very widely repudiated within El Salvador and the international community has expressed its concern over the possible consequences for implementation of the Peace Accords, respect for human rights being a sine qua non for the success of the peace process and for the consolidation of a democratic society. It is to be hoped that the investigation that is being carried out with international assistance can quickly lead to the identification and punishment of those responsible. It is particularly important that, as endorsed by the Security Council in its statement of 5 November 1993, arrangements should be agreed for the Human Rights Division of ONUSAL to work with the National Counsel for the Defence of Human Rights to help the Government to carry out the relevant recommendation of the Commission on the Truth. By 20 November, such arrangements had not yet been agreed, although considerable progress had been made towards an agreement.

IV. COMMISSION ON THE TRUTH

46. The progress report that I submitted on 14 October (S/26581) described the measures taken on some of the recommendations of the Commission on the Truth and the action required on several outstanding points of great importance, namely the dismissal of officials mentioned in connection with the serious acts of violence investigated by the Commission; recommendations requiring constitutional amendments, particularly with regard to the decentralization of powers and competence of the Supreme Court; and recommendations on amparo and the recognition of the jurisdiction of the Inter-American Court of Human Rights. Progress on these issues depends not only on action by the Government and FMLN, but also by individuals and institutions, in particular, COPAZ and the Legislative Assembly.

47. Since the above-mentioned progress report, there has been one important development that merits the attention of the Council. In October, the Ministry of Justice submitted six draft laws to the Legislative Assembly. These were aimed at perfecting the guarantees for due process through reforms to the Criminal Code and the Code of Criminal Procedure and the invalidation of extrajudicial confessions. The package also contained the proposed repeal of the law of dangerous condition (estado peligroso), which violates some of the fundamental rights enshrined in international instruments. To this is annexed a proposal for modification of article 13.4 of the Constitution, which represents an important precedent. This is a very positive step in the implementation of the recommendations of the Commission on the Truth and, at the same time, of those of the ONUSAL Human Rights Division, which were endorsed by the Commission.

V. ECONOMIC AND SOCIAL MATTERS

A. Transfer of land programme

48. In my last report I was able to point to progress, albeit slow, in the implementation of the land transfer programme of 13 October 1992. Six months later I regret to report that, in spite of commitments by the two parties to accelerate the process, very little progress was made until very recently. A year after agreement was reached on the land programme, land titles had been issued to less than 10 per cent of the potential beneficiaries. This was discouraging land owners from selling since they could not receive payment until the legal transfer was finalized. The difficulties encountered and the slow rate of progress were also discouraging potential donors from making new commitments to the programme. This was particularly true of the United States Agency for International Development (USAID) and European Community (EC) donors, who noted that funds previously committed by them were still partially unused. It was also worrying that both parties had entered into new agreements to accelerate the programme but had had difficulty in putting them into practice.

49. The main problem still related to determining who should be entitled to land. The agreement stipulated that ex-combatants of both sides and landholders who had occupied land during the conflict and had been "verified" by the Special Agrarian Commission of COPAZ would be entitled to land. However, FMLN had questioned the way the verification was made. For example, the verification as reflected in the Commission's records often included the names of those on the board of a cooperative but not all of its members, although they had filled out forms for verification purposes (boletas). Thus the Commission's verification underestimated the total number of potential beneficiaries. In the Follow-up and Supervision Committee, a tripartite (Government/FMLN/ONUSAL) mechanism to accelerate the land programme, it was agreed that those who had filled out boletas would also be included. These, however, had not been accepted at the 42 government offices that were established in October 1993 to undertake the reverification nor had they been included in the Government's total of persons to whom it contemplated transferring land.

50. The FMLN, for its part, had also failed to comply with certain commitments. At the high-level tripartite meeting of 8 September 1993, the Government proposed and FMLN accepted that land would be transferred first to those who had been reverified. Those who had not been verified, as well as minors, would receive land at the end of the programme, if additional financing was available. The total number of beneficiaries, however, could not exceed the total contemplated in the 13 October 1992 land programme. For this sequence to begin, FMLN would have had to "clean up" the lists of beneficiaries it had submitted to the Government so as to eliminate those who had not been verified. Although the difficulties of doing this should not be underestimated, FMLN's failure to comply with the 8 September Agreement was being interpreted by the Government and by some donors as reflecting a desire to exploit the non-implementation of this programme for political purposes.

51. The land programme needed to be reactivated as soon as possible and in a dynamic way, and I appealed to the two parties to exercise flexibility in the belief that the remaining technical, financial and legal difficulties could be solved if the political will to do so existed. There was an urgent need to

reduce tension among those ex-combatants whose justified expectations of getting land, credit and housing had been largely unfulfilled. Credit for agricultural production and for housing could not be obtained unless borrowers held title to, or a promise of, land. Thus, problems in land transfer had seriously delayed the reintegration of former combatants and landholders into productive activity.

52. To get the programme moving and facilitate the search for new financing, the Government had offered to issue certificates (Certificados de asignación) by 31 December for all verified people in FMLN lists for 50 State properties and also to transfer 120 negotiated private properties, provided that FMLN agreed to include only verified beneficiaries. For FMLN to clean up these lists would have been very difficult. For this reason I requested the Government to show flexibility by accepting as many non-verified people on these properties as possible.

53. I am pleased to report that on 17 November the Government agreed to accept the lists presented by the FMLN for the 120 private properties and for the 50 State properties already negotiated, so that they could be transferred before 15 December. I now urge FMLN to honour its commitment to prepare lists for the remaining properties with ex-combatants and landholders who have been verified. This would be on the understanding that a solution will be found for the unverified ones after the verified persons have received land and as resources become available, as had been agreed at the 8 September meeting.

54. The Government's willingness to accept the lists that FMLN had presented for those 170 properties will make it possible for 12,000 beneficiaries to gain access to credit for production by the end of the year. The Agricultural Development Bank, which needs to be strengthened for this purpose, would have time to establish its eligibility criteria, specify the different types of credit for different types of crops, train people, establish the necessary documentation, etc. The Bank needs to be ready to advertise its credit line by January and February so that borrowers can start getting credit in March, in time for the planting season.

55. A solution also needs to be found to the problem of human settlements (referred to in the agreements as predios e immuebles). Although at the 8 September meeting it was agreed that those in rural areas would be included in the land programme, no transfers have yet taken place. FMLN wants them transferred as they exist, with all the infrastructure and en bloc. Since approximately 750 beneficiaries of FMLN live in these settlements, breaking them up would have complex political and social consequences. The Government will also need to show flexibility and political will to solve this problem.

56. The follow-up to land transfers is extremely important. Although some beneficiaries have received training before obtaining land, it is important that specific training relating to different crops be provided when the transfer takes place so that they can put the credit to use as productively as possible. Technical expertise to help beneficiaries to diversify production will also be needed. This is an area in which the international community could make a significant impact.

B. Forum for Economic and Social Consultation

57. In May 1993, I reported that, although the representatives of Government, business and labour had agreed, in February 1993, on the principle of the right of labour to associate, there had been, in April, a set-back in the work of the Forum with regard to the adoption of the ILO conventions relating to these rights (see S/25812, para. 70). This stalemate was compounded by a month-long health-care workers' strike, which generated tension, as workers from other sectors stopped work or threatened to do so to show solidarity.

58. On 25 August 1993, the Forum emerged from this impasse and approved a new agenda, which included the reform of primary national laws on labour issues, without eliminating the issue of the ILO conventions. The agenda included the Labour Code, the Organic Law of the Ministry of Labour and Social Welfare and the Social Security Law.

59. The presentation and discussion of proposals by ILO experts to reform the labour code have contributed greatly to a new dynamism in the Forum. Most of the changes concerning the individual rights of workers were adopted and, since 25 October, the parties have been discussing collective rights and freedom to form and join unions.

60. I am glad to be able to report that, as a result of the discussions, restrictions on the unionization of rural workers have been removed and the three parties have agreed on the creation of a Labour Council within the Ministry of Labour, which will institutionalize consultation between all three parties on labour issues. Unfortunately the business sector decided to suspend its participation in the Forum as of 20 November 1993, the date of initiation of the electoral campaign.

C. Reintegration programmes

61. ONUSAL has continued to work with the parties and with the United Nations Development Programme (UNDP) with a view to stimulating the implementation of various programmes designed to facilitate the economic and social reintegration into civilian life of former FMLN and Armed Forces of El Salvador combatants.

FMLN ex-combatants

62. As reported in May, all the short-term programmes (agricultural training, distribution of agricultural tools, basic household goods and academic instruction) have been completed, with the exception of the industrial training programme, which is now scheduled to end in April 1994.

63. Among the many problems the following are worth mentioning. First, a global strategy is lacking in the formulation of the programmes, and this has affected their design and planning. Second, short-term training programmes did not start at the same time and were not synchronized with the dates of demobilization, with the result that some beneficiaries registered in programmes because of economic need rather than preference or vocation to learn. Third, there was no overall planning and the same mistakes were repeated in the different programmes.

64. In spite of the many problems, short-term programmes served an important purpose. They reduced the risk that demobilized people would resort to crime as a means of survival. They also helped to ensure respect for the cease-fire and thus played a crucial role in the peace process.

65. There is now a need to focus and expand on medium- and longer-term programmes, including credit for micro-enterprises, agriculture and housing, technical assistance and scholarships. As with the short-term programmes, there has not been a clear overall strategy to ensure that ex-combatants can be reintegrated into the productive life of the country. The programmes for micro-enterprises, technical assistance and scholarships have suffered serious delays, partly as a result of administrative problems but also for lack of immediate financing and political will. Those for agricultural credit and housing have been delayed by the lack of progress in the transfer of land. These delays have disrupted the continuum between short- and medium-term programmes and generated scepticism and tension among the beneficiaries, who have had to find other ways to meet their socio-economic needs.

66. At the end of October, a German-financed project for the construction of 2,000 houses for FMLN ex-combatants was inaugurated in eight departments. This represents an important start, though the number of houses to be provided meets only one third of the total demand.

67. The non-governmental organization (NGO) Fundación 16 de enero needs to be strengthened in order to enable it to comply with its given role in the agreed programmes of representing, organizing and informing potential beneficiaries among ex-combatants of the five FMLN groups. The fact that it has not had the necessary support or the funding to do this has weakened FMLN's capacity to participate successfully in these programmes and has added to the administrative difficulties of implementing them.

Armed Forces of El Salvador ex-combatants

68. These programmes are similar to those envisaged for FMLN. While short-term reintegration programmes for the demobilized members of the Armed Forces of El Salvador have started, they cover only part of the target group. In addition, most of the medium-term programmes are still in the preparatory phase. ONUSAL continues to offer its help in overcoming the existing problems so that all these programmes can be implemented. A German-financed housing project similar to that inaugurated for FMLN ex-combatants is being prepared for demobilized members of the Armed Forces of El Salvador.

69. The Peace Accords stipulate that those members of the Armed Forces of El Salvador who are demobilized as a result of the Accords are entitled to an indemnity of one year's salary (chap. I.13.B). ONUSAL is still unable to obtain from the Government the information it needs on reintegration programmes (including land transfer) for ex-combatants of the Armed Forces of El Salvador (see S/25812, para. 74).

War-disabled

70. The Fund for the Protection of Wounded and War-disabled as a Consequence of the Armed Conflict was created by Decree No. 416 of 13 December 1992 in

compliance with the New York Agreement, which stipulated that the Government would provide the resources to enable its Board of Directors to function. The swearing in of the Fund's Board of Directors was postponed several times, but finally took place at the end of June after a demonstration in San Salvador in which at least one life was lost. However, the emergency budget presented by the Board to permit the disbursement of funds established by the Law, which should have started in June, still awaits the approval of the Ministry of Finance. Nor has the Government yet fulfilled its obligation to make an initial contribution to the Fund, which is an important condition for the start of contributions from donors.

VI. POLITICAL PARTICIPATION BY FMLN

71. As I informed the Council on 29 June (S/26005), the discovery of undeclared FMLN arms caches raised questions in certain quarters about the legality of FMLN as a political party. After I had reported to the Council on 30 August (S/26371) that the residual arms deposits declared by FMLN had been verified and destroyed by ONUSAL, the Supreme Electoral Tribunal of El Salvador was duly informed, in accordance with its request. This enabled FMLN to continue as a legally recognized political party. On 5 September 1993, FMLN held its national convention at which it decided to participate in the elections and chose its candidates.

72. At the high-level meeting of 8 September 1993 between the Government, FMLN and ONUSAL, the Government undertook to assign two television frequencies and one short-wave frequency to the institution or persons designated by FMLN. This, added to the AM and FM frequencies previously assigned, fulfils the commitment entered into by the Government in the complementary agreements of 22 December 1992. The Government also agreed to grant tax exemptions for the vehicles imported by FMLN for use by its leaders; these are still being processed.

73. Likewise, the approval by the Legislative Assembly on 17 June 1993 of the Law for the Protection of Individuals Subject to Special Security now permits its application to FMLN, whose bodyguards are being incorporated into the National Civil Police as supernumeraries, although not in the numbers originally envisaged. FMLN leaders have hitherto been protected by ex-combatants chosen by them and armed with their own weapons verified by ONUSAL and authorized by the Government. The recent murders of two FMLN leaders highlight the need for the provision of adequate security to the FMLN leadership which, under the Peace Accords, is the responsibility of the Government.

VII. RESTORATION OF PUBLIC ADMINISTRATION IN THE FORMER ZONES OF CONFLICT

74. As I reported to the Council in May, all mayors and judges returned to their jurisdictions at the beginning of the year. However, some of them are still not living in their municipalities, which limits to some extent the services they can provide to their communities. Neither mayors nor judges have faced political obstacles in the exercise of their functions and relations between them and local communities have on the whole been positive. The

re-establishment of public services has, however, been slow and the disbursement of funds for the reconstruction of the areas most devastated by the conflict has still not been made in the amount and with the urgency that the situation demands. I again urge the Government to accord higher priority to the reconstruction of the former zones of conflict.

VIII. ELECTORAL PROCESS

75. The Council has recently received a detailed report (S/26606) on the activities of the ONUSAL Electoral Division. The Division's mandate is being carried out in five stages: during the first stage, from 1 to 30 June 1993, offices at the central and regional levels were established; the second stage, from 1 July to 18 December 1993, entails, inter alia, the verification of the registration of voters and subsequent political activities; the third stage, from 19 December to 14 March 1994, will be devoted to the observation of the electoral campaign; and the fourth stage, from 15 to 31 March 1994, will cover observation of the elections, the counting of votes and the announcement of results. The fifth and final stage will run from 1 to 30 April 1994, if a second round of voting is required for the election of the President.

76. The Division is now concentrating on verifying that steps are taken to permit the inclusion of all qualified citizens in the electoral register. Major progress had been made in mobilizing citizens to apply to register. By 19 November the Supreme Electoral Tribunal had received over 785,000 registration forms. There nevertheless remains a problem of transforming these applications into voter registration and electoral cards and serious technical difficulties have not yet been fully overcome.

77. One problem is that many municipalities are failing to send applicants' birth certificates to the Tribunal, a legal requirement for the transformation of application forms into electoral cards. A second problem is the limited capacity of the Tribunal for the timely computerization of voters' application forms and the birth certificates needed for their validation. A third problem relates to the transmission of information between the Tribunal on the one hand, and the political parties and Board of Vigilance on the other. At the time of writing, the Tribunal had not yet complied with its legal obligation to provide the parties with computer terminals connected to the centre that produces the voters' register or with lists of electoral cards available for delivery to applicants. The availability of this information would be useful in helping the parties to check how many prospective voters are still not registered. ONUSAL continues to support the Tribunal in its efforts to resolve these problems.

IX. THE FINANCIAL NEEDS OF POST-CONFLICT PEACE-BUILDING

78. As I pointed out in my last report, the international community responded generously during the last Consultative Group meeting in Paris in April 1993 to the Government's request for financing for the national reconstruction plan during the period 1993-1996. However, donors showed a clear preference for financing specific projects, mostly in infrastructure and the environment. As a result, commitments for peace-related programmes for the reintegration of ex-combatants into productive activities (purchase of land, agricultural credit,

housing, credit for small enterprises, pensions for disabled, etc.) and for the promotion of democratic institutions (National Civil Police, National Public Security Academy, human-rights-related activities, the Judiciary and activities related to the coming elections) fell short of expectations.

79. In my efforts to promote financing for peace-related programmes in El Salvador, I have found that many donors condition their assistance on the Government's compliance with the Peace Accords and on stronger commitments to implement the specific programmes quickly and to give them priority in the government budget. It is thus with satisfaction that I am now able to report that the Government has begun to allocate some funds that could have been used for other purposes to some of the peace-related projects. For example, of the approximately $71 million committed to the land programme from its inception, the Government has committed about 35 per cent of the total ($25 million), with the remainder being provided by USAID ($34 million) and EC ($12 million). At the same time, its 1994 general budget allocates $10 million to the Academy and $33 million to the National Civil Police. The Government continues to mobilize external financing, especially in the form of grants and/or highly concessional loans, and has indicated its willingness to use some of the quick-disbursement funds that it obtains for these programmes.

80. Additional resources are required rather urgently for the strengthening of the Judiciary and other democratic institutions, including the National Civil Police, and for crucial programmes for the reintegration of ex-combatants and for continuing support in the area of human rights, including the National Counsel for the Defence of Human Rights. Financing is also critical for key programmes for the reintegration of ex-combatants and their supporters into the civilian and productive life of the country.

X. FINANCIAL ASPECTS

81. By its resolution 47/234 of 14 September 1993, the General Assembly authorized the Secretary-General to enter into commitments for the operation of ONUSAL at a rate not to exceed $3 million gross ($2,720,000 net) per month for the four-month period from 1 December 1993 to 31 March 1994, should the Council decide to continue the Mission beyond 30 November 1993. This authorization is subject to the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions. Should the Security Council continue the mandate of ONUSAL beyond 30 November 1993, the monthly cost of maintaining the Mission through 31 March 1994 will be limited to the commitment authority contained in General Assembly resolution 47/234. I shall report to the Advisory Committee and to the General Assembly on the additional requirements needed for the maintenance of the Mission beyond 31 March 1994.

82. As of 15 November 1993, unpaid assessed contributions to the ONUSAL special account for the period since the inception of the Mission to 30 November 1993 amount to some $25.5 million.

XI. OBSERVATIONS

83. The Peace Accords signed at Chapultepec on 16 January 1992 were a historic achievement of the Salvadorian people. President Cristiani and his Government and the leaders of FMLN and their supporters responded to the historic need to bring to an end a long period of civil strife, which had culminated in 11 years of bloody armed conflict. The settlement which they negotiated with the help of the United Nations was not just a cease-fire. It was a comprehensive package of interrelated agreements designed to address and resolve the many issues that had created economic, social and political tensions and finally erupted into armed conflict. It is important to remember that every element in the interrelated agreements was negotiated with the two sides and freely accepted by each of them.

84. Implementation of the Peace Accords has on the whole progressed well. Enormous advances have been achieved, advances that it would have been difficult to imagine when the United Nations first became involved in the effort to make peace in El Salvador four years ago. The elections that are to take place in March 1994 should represent the culminating point in the whole process. It had been envisaged that the vast majority of the provisions of the Peace Accords would have been implemented well before the elections. The timetable that forms part of the Accords was drafted on this basis. It was thought important that implementation of the Accords should not be caught up in the electoral campaign and that the electorate should be able to make its democratic choice at a time when the full dimensions of the new El Salvador created by the Accords were already apparent to it.

85. The electoral campaign officially began a few days ago, on 20 November 1993, preceded, during recent weeks, by a distinct polarization of political positions. The present state of implementation is described in some detail in the previous sections of this report. Much has been achieved. But it is a matter of considerable concern to me that the electoral campaign should have begun when some very important elements in the Accords remain only partially implemented and when there are disturbing signs of the reappearance of some ugly features of El Salvador's past.

86. I should like in particular to draw the Security Council's attention to three aspects: human rights, police matters and the economic and social programmes for the reintegration of both sides' ex-combatants into civil society.

87. The Human Rights Division of ONUSAL had expressed concern, in its last two reports, about a possible re-emergence of "death squads", whose contribution to the horrors of the Salvadorian civil war, and prior to it, have been amply described by the Commission on the Truth. While it would be wrong to prejudge the outcome of investigations that are under way, the recent series of murders must at least create a strong supposition that the Human Rights Division's fears were well founded. Be that as it may, those murders have had a nefarious impact on the political climate and have undermined confidence in the peace process. It is therefore essential that there should be, as soon as possible, an impartial, independent and credible investigation into illegal armed groups, as recommended by the Commission on the Truth. On 5 November 1993, the Council approved my ideas about how the United Nations should help in such an

investigation. I regret that, in spite of the dispatch to El Salvador of a mission led by Under-Secretary-General Goulding from 8 to 15 November, it has not yet proved possible to reach agreement on the establishment of the investigation. Consultations, however, continue with all concerned and I hope soon to be able to report a favourable outcome.

88. Meanwhile the human rights components of the Peace Accords have been implemented in varying degrees. Important legal reforms, such as those to the Penal Code and the Code of Criminal Procedure, the elimination of extrajudicial confessions and the modification of regulations with respect to habeas corpus, are in progress, although many of them are only in the proposal stage and deficiencies in judicial practice persist. Within the Armed Forces, the development of human rights components both in the new military structure and in the new doctrine have been conducted consistently in cooperation with the ONUSAL Human Rights Division. The consolidation and extension of this progress will depend on the country's capacity to reverse the regressive trends that have been detected in recent months, on the effective operation of the institutions created by the Peace Accords, especially the National Counsel for the Defence of Human Rights, and on the effective deployment of the National Civil Police. Progress will also depend on the implementation of the pending recommendations of the Commission on the Truth concerning the judiciary.

89. The section on public security matters in this report (paras. 19-41) paints a somewhat disturbing picture. The civilianization of the police function was a central principle of the whole settlement. Only thus could the Armed Forces be reduced, remodelled and given the role normally performed by the military in democratic societies. I acknowledge the complexity of establishing a completely new police force and transferring responsibility for public order to it in the aftermath of a long civil war and in the middle of a crime wave. But ONUSAL's reports create the impression that at some levels in the Government there may be a lack of commitment to the objective enshrined in the Peace Accords. This is reflected in the denial to the National Civil Police of the necessary logistical and technical resources, the introduction into that force of military personnel, the prolongation of the existence of the National Police and the denial to ONUSAL of the information it requires for verification purposes. Concerns also persist that the military intelligence establishment may still be involving itself with internal security matters.

90. The severe delays in fulfilling the promises of land and other benefits that were made to ex-combatants of both sides has given rise to tension which, as the situation in a neighbouring country has shown, can become a dangerous source of instability. As regards land, both the Government and FMLN should respect their agreements and resolve to accelerate their implementation. The Government should also show flexibility in solving the human settlements problem and avoid threatening to evict landholders before the programme has been finalized and a solution is found to the problem of non-verified landholders. The medium-term programmes of reintegration also need to be accelerated through more financing, more technical assistance and, most importantly, more political will.

91. Full compliance with the Peace Accords will strengthen my efforts to obtain external financial assistance in support of peace-related programmes. The parties must show a continued commitment to the rapid implementation of these

programmes in order to sustain the interest and support of the international community. A third factor that could stimulate external support would be a clear demonstration of the Government's political will by giving these programmes the high priority they deserve and require in its budget.

92. For my part, I have asked my Special Representative to obtain the Government's and the FMLN's agreement to a new timetable that will set the firmest possible dates for completing the implementation of the most important outstanding points in the Peace Accords. Even so, it is clear that it will not be possible to complete implementation of all such points before the elections. It is important therefore that the new Government should maintain its predecessor's commitment to implement the Accords in their entirety. In this context, an important step was taken on 5 November 1993 when, in response to an initiative by my Special Representative, six of the seven presidential candidates signed a statement, entitled "Commitment of the presidential candidates to peace and stability in El Salvador", in which they inter alia solemnly committed themselves to maintain the constructive evolution of the peace process and to implement all the commitments contained in the Peace Accords and rejected any politically motivated violence or intimidation. I subsequently received a letter from the candidate who declined to sign the statement, in which he explained that, although he agreed with its objectives, he had not signed it because he believed that it should have contained more detailed commitments to specific measures. It is important that all those taking part in the election campaign should demonstrate their commitment to the peace process and, in particular, their commitment to the implementation of the Accords in full.

93. Until a short while ago, impressive progress had been made in implementing the Accords despite a number of obstacles, which could usually be overcome through supplementary negotiations and agreements. But recent developments described in this report have caused serious worry as to whether previous achievements are now threatened, especially as the electoral campaign gets under way. Both President Cristiani and the leadership of FMLN have been commended in the past for their determination to ensure that peace is consolidated. I exhort them to overcome these new challenges and make sure that the peace process continues on its course.

94. The elections and the transition to the administration of the newly elected President, who will be inaugurated on 1 June 1994, will be a critically important period and it is clearly necessary for ONUSAL to continue to carry out its verification and good offices functions throughout it. I accordingly recommend that the Security Council extend ONUSAL's mandate for a further period of six months, that is until 31 May 1994.

95. I have just received a recommendation from my Special Representative for some additional police observers to be assigned to ONUSAL and for a modest increase in the Mission's economic and political staff. This recommendation is currently under study and I shall revert to the Council, as necessary.

96. As regards the future of ONUSAL beyond 31 May 1994, my present thinking is that it will probably be desirable to keep the Mission in existence, at reduced strength, for a further period of a few months to verify the full deployment of the National Civil Police and the phasing-out of the National Police, together

with implementation of any other major points in the Peace Accords, such as those relating to land and other reintegration programmes, which remain outstanding at that time. I shall revert to the Council with a considered recommendation on this matter well before the expiry of the mandate extension recommended in the present report.

97. In conclusion, I should like to pay tribute to my Special Representative, Mr. Augusto Ramírez-Ocampo, and to all the personnel of ONUSAL, for the exemplary manner in which they are assisting the Government and people of El Salvador to consolidate peace in their country through full implementation of the Peace Accords.

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LETTER DATED 22 NOVEMBER 1993 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a copy of an article published by the daily newspaper Al-Hayat in its issue No. 11240 of 22 November 1993 under the headline "Kuwait calls for measures against Baghdad and considers support for the opposition and for the Kurds of Iraq". The article is a glaring example of the Kuwaiti regime's interference in the internal affairs of Iraq.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Permanent Representative

Annex

الاثنين ٢٢ تشرين الثاني (نوفمبر) ١٩٩٣ الموافق ٩ جمادى الآخرة ١٤١٤هـ/ العدد ١١٢٤٠

٤ الحياة

وفد «المؤتمر الوطني» يطلب «عربسات» ومساعدات اقتصادية

الكويت تدعو لاجراءات ضد بغداد وتدرس دعم المعارضة وأكراد العراق

□ لندن، الكويت - «الحياة»:

■ عقد وفد «المؤتمر الوطني» العراقي الموحد، امس جلسة عمل مع مسؤولين رفيعي المستوى في وزارة الخارجية الكويتية للبحث في طلبات المعارضة العراقية وبينها استخدام القمر الاصطناعي العربي للاتصالات «عربسات» وتزويدها مرسلات لتقوية البث التلفزيوني والاذاعي الموجه الى العراق وبناء البنية التحتية لاقتصاد كردستان ومساعدة الشيعة في الجنوب.

في غضون ذلك دعا مجلس الوزراء الكويتي مجلس الامن الى اتخاذ «اجراءات فاعلة» لضمان التزام العراق القرارات الدولية واحترامه سيادة الكويت ووضع حد لانتهاكاته المستمرة على الحدود ما «يهدد الامن والاستقرار في المنطقة». وكان مئات العراقيين اخترقوا اول من امس الحدود للمرة الثانية خلال اسبوع وتظاهروا للتعبير عن رفضهم قرار مجلس الامن ترسيم الحدود بين البلدين.

ورحب مجلس الوزراء بالقرار الاخير لمجلس الامن القاضي بابقاء العقوبات على العراق، واعرب عن ارتياحه الى «تفهم الدول الاعضاء في المجلس السياسة العدوانية للنظام العراقي التي لن يترتب عليها الا مزيد من التوتر وعدم الاستقرار في المنطقة ومزيد من المعاناة للشعب العراقي».

الى ذلك قال الناطق الرسمي باسم «المؤتمر الوطني» المعارض السيد صلاح الشيخلي لـ «الحياة» في اتصال هاتفي ان النائب الاول لرئيس الوزراء وزير الخارجية الكويتي الشيخ صباح الاحمد الصباح التقى المسؤولين درس طلبات المعارضة العراقية اثناء استقباله اول من امس وفدها الذي يرأسه السيد احمد الجلبي رئيس المجلس التنفيذي للمؤتمر.

يذكر ان الكويت هي الدولة العربية الوحيدة التي ارسلت وفداً رسمياً الى كردستان العراق في اب (اغسطس) الماضي وقدمت مساعدات انسانية للاكراد توزع عبر المؤتمر وحكومة الاقليم الكردستاني.

واوضح الشيخلي ان رئيس الوفد اكد خلال اللقاء الذي جرى وسط «ترحيب قوي» ان المؤتمر الوطني «يحترم كل قرارات مجلس الامن الخاصة باستقلال الكويت» ويسعى

التتمة في الصفحة (٤)

الكويت تدعو لاجراءات ضد بغداد

تتمة الصفحة الاولى

الى رأب الصدع بين الشعبين العراقي والكويتي واعادة الثقة بينهما».

وتابع ان المؤتمر الذي يحظى بـ «دعم كثير من الدول الاقليمية والاسلامية والاوروبية، من بينها دول القرار» طلب ايضاً «دعم الكويت لتمكين المؤتمر من «حضور المحافل العربية والاسلامية والدولية».

وشرح الوفد للشيخ صباح الاحمد الوضع الاقتصادي الصعب الذي يعانيه نحو ثلاثة ملايين ونصف مليون مواطن في كردستان العراق التي لا تخضع لسلطة نظام بغداد، وطلب من الكويت ان تقدم «مساعدات مباشرة لتحريك الاقتصاد وتاهيل المؤسسات التعليمية والصحية وغيرها» في كردستان. وطلب ايضاً مساعدات كويتية «للمناطق المحاصرة في جنوب العراق وايصال المساعدات الانسانية للسكان هناك وفي وسط العراق».

وقال الشيخلي ان الوفد شرح لوزير الخارجية الكويتي اهمية الاعلام المعارض الموجه الى العراق ما يتطلب دعما لتعزيز امكانات المؤتمر في البث الاذاعي والتلفزيوني والعمل الصحافي. وفي هذا الاطار طلب المؤتمر ان تساعد الكويت في «تزويد المؤتمر اجهزة ارسال او تقوية الاجهزة الموجودة في كردستان، او تمكينه من استخدام القمر الاصطناعي عربسات».

UNITED NATIONS **S**

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23 November 1993

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LETTER DATED 22 NOVEMBER 1993 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit, enclosed herewith, the positions of the Government of the Federal Republic of Yugoslavia concerning the violations by Croatia of Security Council resolution 713 (1991) on the arms embargo against the former Yugoslavia.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Dragomir DJOKIC
Chargé d'affaires a.i.

Annex

The Government of the Federal Republic of Yugoslavia expresses its deep concern over the continuing gross violations of the arms embargo by some former Yugoslav republics (Slovenia and Croatia and by Muslims in Bosnia and Herzegovina) in contravention of Security Council resolution 713 (1991). This is particularly alarming since it threatens the already fragile peace and heightens tensions in the region, thus diminishing prospects for an overall peaceful solution.

In that connection, the Federal Government would like to draw your attention to the activities of Croatia aimed at the strengthening of its air force.

It is well known that the disintegration of the former Socialist Federal Republic of Yugoslavia was brought about by forcible secession of Slovenia and Croatia, initiated by the attacks launched by their paramilitary forces against the Yugoslav People's Army, the only legitimate armed force of the former Socialist Federal Republic of Yugoslavia.

Croatia took advantage of the fact that the Yugoslav People's Army was based on a multi-ethnic principle, i.e., that all nationalities of the former Yugoslavia, including the Croatian one, were equally represented in it. Even before the outbreak of hostilities, the nationalist Croatian forces had already begun illegal and clandestine arming and embarked upon recruiting the Croatians in the Yugoslav People's Army as well as employees of the military industry located in that former Yugoslav republic.

The outbreak of hostilities clearly demonstrated Croatia's readiness to use all means, including force, in order to enforce illegal secession from the Socialist Federal Republic of Yugoslavia. Therefore, the federal authorities undertook the necessary measures, provided for in the Constitution, to protect the territorial integrity of the country. Those measures included the relocation of armaments and military equipment of the Yugoslav People's Army.

Only one MI-8 helicopter (ID No. 10989) and three MIG-21 aeroplanes (ID Nos. 75061131, 75074051 and 75093741) were left in Croatian territory of all the aircraft from the former Yugoslav People's Army. Former pilots of the Yugoslav air force, Croats by nationality, used them to defect to the Croatian side.

The competent authorities of the Army of Yugoslavia are in possession of relevant documentation, with a full list and serial numbers of all aircraft and spare parts that were removed from the territory of Croatia following its forcible secession.

The air force service and repair institute, "ZMAJ", located in Zagreb, was evacuated, pursuant to the agreement cosigned by the representatives of the European Community Monitoring Mission (ECMM), who were responsible for its implementation.

In July 1991 there were 56 aircraft of different types in the "ZMAJ" Institute: 13 aircraft in working order were transferred in July 1991, while 43 non-operational aircraft were evacuated along with all spare parts, i.e. 1,329 components, in the first half of December 1991.

However, it was widely publicized that Croatia is violating the arms embargo by smuggling aircraft into its territory. The British magazine, Defence and Foreign Affairs - Strategic Policy, in its 31 December 1992 issue, stated that in 1992 Croatia bought 10 MIG-21 and 2 SAAB aircraft from Austria and 3 MIG-21 aeroplanes from Germany.

Reliable sources claim that Croatia is in possession of 16 MIG-21 on the territory of a neighbouring country.

Croatia is in possession of several combat M-24 helicopters. Those helicopters were not a part of the armament of the former Yugoslav People's Army. Croatian violation of the relevant Security Council resolution is ever more dangerous since the smuggled armaments, including combat aircraft are being used for aggression against civilian targets in the United Nations protected areas. That was also noted in the United Nations monitors' reports.

In its report of 15 September 1993, the United Nations Protection Force (UNPROFOR) stated that Croatian aviation attacked civilian targets in Blatusa-Vrgin Most (United Nations protected area, Sector North), whereupon one of the MIG-21 aircraft was shot down.

In accordance with Security Council resolution 786 (1992), the teams of United Nations military observers and ECMM supervise around the clock the airfields in Croatia. Nevertheless, Croatia is continuing to build up its air force, unhindered and with impunity, and use it against civilian targets in the United Nations protected areas.

The Federal Republic of Yugoslavia avails itself of this opportunity to reiterate that these activities not only represent a violation of the relevant Security Council resolutions, but are contrary to the very substance of the Vance Plan and overall peace efforts.

UNITED
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Security Council

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S/26793
23 November 1993
ENGLISH
ORIGINAL: RUSSIAN

LETTER DATED 22 NOVEMBER 1993 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF AZERBAIJAN TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

It is with deep concern that I inform you of an extremely serious incident for which the Republic of Armenia bears the responsibility.

On 20 November 1993 at 11 a.m. local time, while crossing the Azerbaijani-Armenian border in the area of the Kazakh district of the Azerbaijani Republic in accordance with an agreement previously reached between the two sides, the Special Representative of the President of the Russian Federation, Ambassador for Special Assignments V. N. Kazimirov, and the persons accompanying him came under heavy fire from the Armenian side. Azerbaijani military personnel accompanying the Russian representative were seriously wounded.

The mediator's group was fired on by Armenian units using anti-aircraft artillery, armoured vehicles and heavy-calibre machine guns at a time when it was between the Azerbaijani settlement of Mazam and the Azerbaijani village of Ashagy Askipara occupied by armed forces of the Republic of Armenia, in the Kazakh district, hundreds of kilometres from Nagorny Karabakh.

In our letters, particularly documents S/25650, S/25752 and S/26556, we have drawn the attention of the Security Council to the fact that part of the territory of the Kazakh district is occupied by armed forces of the Republic of Armenia.

Clearly, Armenia does not confine itself to committing aggression against Azerbaijan, but is also using weapons against a peaceful mediating mission which is in the region to conduct talks on the implementation of Security Council resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993).

As noted in a statement by the Council of Ministers and the Government of the Russian Federation, "the Government of the Russian Federation strongly condemns this unprecedented action in gross violation of the norms of international law, and calls on Armenia's top leadership to make an immediate public apology and to undertake for the future to provide strict guarantees of the security of Russian representatives engaged on official missions. The Government of the Russian Federation expects those guilty of this crime to be brought to trial, and reserves the right to take the most decisive measures to prevent the repetition of such incidents henceforth".

This action by the Armenian side was most strongly condemned in the statement by the Minister for Foreign Affairs of the Russian Federation, V. A. Kozyrev, on 20 November 1993, which read in part: "Today, while crossing the Azerbaijani-Armenian border, the vehicles of the Special Representative of the Russian Federation, Ambassador V. N. Kazimirov, and his accompanying group came under fire from heavy calibre weapons on the Armenian side. As a result, Azerbaijani military personnel accompanying the Russian representative were wounded. Ambassador Kazimirov is in the region on a peace-keeping mission. I personally agreed with Armenian and Azerbaijani leaders, on the instructions of B. N. Yeltsin, on his visits to Baku, Erevan and Stepanakert. This barbaric action against a Russian representative arouses indignation, and cannot be justified. Official explanations are being called for. Once the circumstances of what occurred have been clarified, the Government of the Russian Federation will draw the most serious and, I think, severe conclusions".

As reported by the press agency ITAR-TASS in a bulletin of 22 November 1993, at a press conference held that same day on the subject of the above incident, the Minister for Foreign Affairs of the Russian Federation, V. A. Kozyrev, stated that "this is an exceptionally serious occurrence. One has the impression that this is not simply an incident, but that there is a policy behind it." Further on in the bulletin, the agency reports that the Russian Minister emphasized that "Moscow calls on the top Armenian leadership to make an immediate public apology and to undertake for the future to provide strict guarantees of the security of Russian representatives engaged on official missions". He termed the explanation given by the Minister for Foreign Affairs of Armenia "an unintelligible paper which the Russian side cannot accept".

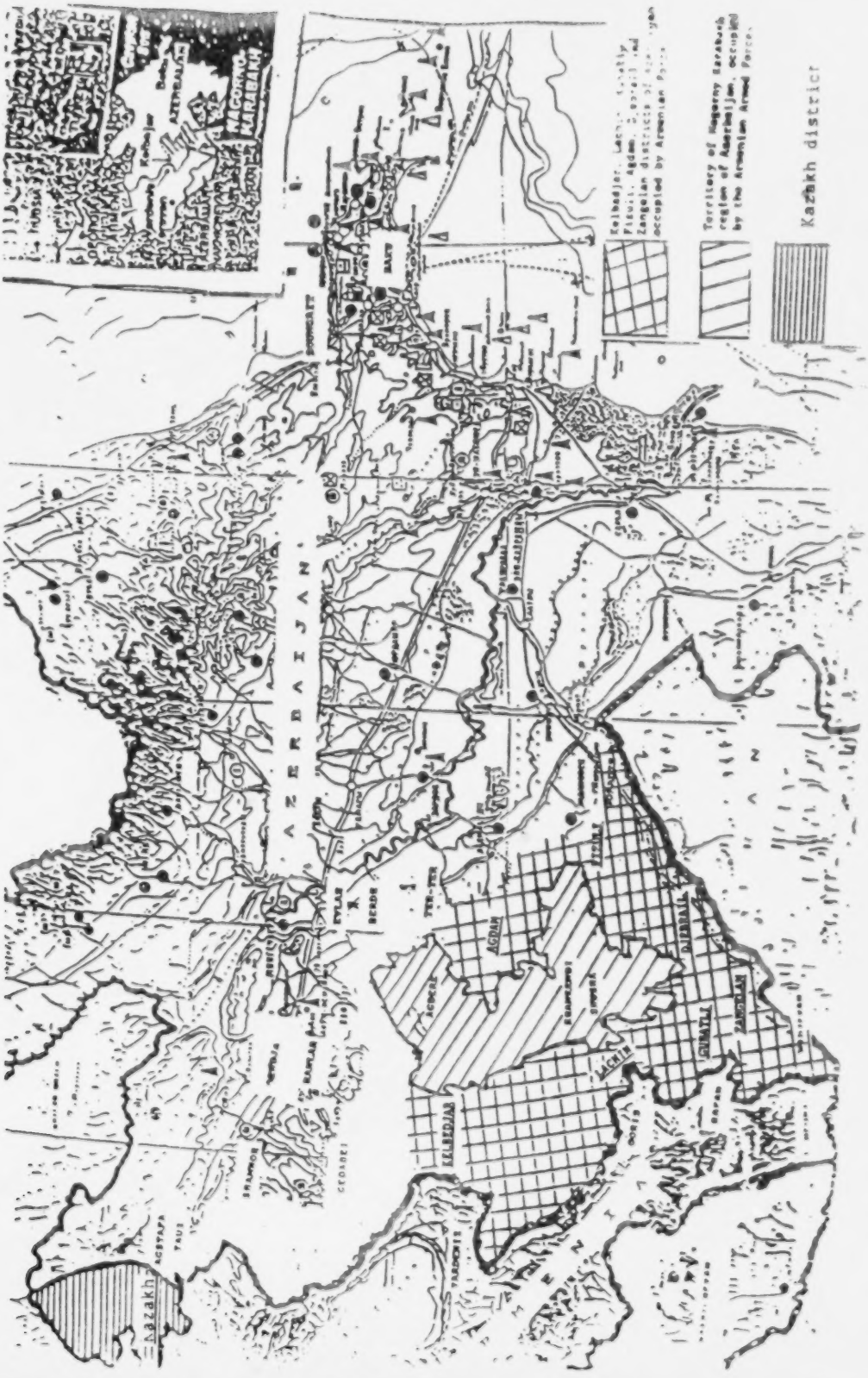
The Azerbaijani Republic strongly condemns this inhuman action perpetrated by the armed forces of the Republic of Armenia occupying part of the territory of the Kazakh district of Azerbaijan. There can be no justification whatsoever for fire from various types of weapons being directed against a mediator in the region on a peace-keeping mission for purposes of the settlement of the Armenian-Azerbaijani conflict.

This is yet another indication that the Republic of Armenia does not aspire to a peaceful solution of the conflict.

I should be grateful if you would have the text of this letter circulated urgently as a document of the Security Council.

(Signed) Yashar T. ALIEV
Counsellor
Chargé d'affaires a.i.

Annex


Territory of Nagorny Karabakh region of Azerbaijan, occupied by the Armenian Armed Forces
Kazakh district
AZERBAIJAN
Kazakh

UNITED NATIONS **S**

Security Council

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23 November 1993

ORIGINAL: ENGLISH

LETTER DATED 23 NOVEMBER 1993 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

The members of the Security Council have requested me to thank you for your report dated 14 November 1993 on Tajikistan (S/26743). They are concerned at the situation in Tajikistan as reported therein and accordingly welcome your decision to extend the mandate of your Special Envoy until 31 March 1994. They agree with your proposal contained in paragraph 16 of your report that the small team of United Nations officials currently in Tajikistan continue to perform their functions until a decision is taken on the proposal to establish an integrated office.

The members of the Council welcome the continuing efforts of the Conference on Security and Cooperation in Europe (CSCE) in Tajikistan and look forward to the close coordination you will deem appropriate to maintain and develop between the United Nations and the CSCE.

The members of the Council look forward to further reports on developments in Tajikistan and on any future recommendations you might wish to make.

(Signed) José Luis JESUS
President of the Security Council

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S/26795
17 November 1993

ORIGINAL: ENGLISH

Note by the Secretary-General

The attached document contains the report of the fact-finding mission that I dispatched in October 1993 to investigate the situation of human rights violations in Abkhazia, Republic of Georgia, including reports of "ethnic cleansing". My decision to send the mission was welcomed by the Security Council in operative paragraph 4 of its resolution 876 (1993) of 19 October 1993. The mission visited the area from 22 to 30 October 1993.

Annex

Report of the Secretary-General's fact-finding mission to investigate human rights violations in Abkhazia, Republic of Georgia

INTRODUCTION

1. Following reports of violations of human rights in Abkhazia, Republic of Georgia, and urgent requests to me to ascertain their nature and extent, in October I decided to dispatch a fact-finding mission to investigate the situation of human rights violations in Abkhazia, including reports of "ethnic cleansing".

2. The Security Council, in its resolution 876 (1993), welcomed that decision. In its resolution 881 (1993), the Council reiterated its demand in its resolution 876 (1993) that all parties to the conflict in Abkhazia, Republic of Georgia, refrain from the use of force and from any violation of international humanitarian law, and looked forward to the report of the fact-finding mission.

3. The mission visited the area from 22 to 30 October 1993. It was headed by the Chief of the International Instruments Section of the Centre for Human Rights, who was assisted by two Professional staff members, one from the Centre in Geneva and the other from the Department of Political Affairs in New York.

4. Between 22 and 27 October 1993, the mission held meetings in Abkhazia (Gudauta or Sukhumi) with leading personalities responsible for the territory's administration, including the top political leader and his deputy; the officials currently responsible for foreign relations, interior affairs and justice; the Chairman of the parliamentary Commission on Human Rights and Ethnic Relations and his deputy; the chief of administration of Sukhumi region; and the head of the Commission on Prisoners-of-War and Defence of the Rights of the Civilian Population of Sukhumi. Additionally, it met with the chief of administration of Ochamchira region, the mayor of Ochamchira and the mayor of Gagra. The mission also had contact with the coordinator of the human rights group "Asarkial".

5. During its stay in Tbilisi, from 28 to 30 October 1993, the mission met with the following government representatives: Chairman of the State Committee for Human Rights and Ethnic Relations and his deputy; the head of the Commission for the Documentation on Atrocities Committed during the Abkhazian Conflict and the Commission secretary; and the Deputy Chairman of the Committee on Refugees and Displaced Persons; as well as the Prime Minister of the Autonomous Republic of Abkhazia, the First Deputy Prime Minister and the Chairperson of the State Committee for Human Rights and Ethnic Relations of the Autonomous Republic of Abkhazia.

6. Both in Abkhazia - in Sukhumi and villages in the district of Gulripsh, as well as in Ochamchira - and in Tbilisi, the mission had the opportunity to interview a number of victims or witnesses of human rights violations, or other civilians. In Tbilisi the mission visited three centres for displaced persons and spoke with a number of persons who, at different stages of the armed conflict, had left their homes in various parts of Abkhazia. Meetings were also

held, both in Sukhumi and in Tbilisi, with representatives of the International Committee of the Red Cross (ICRC) in Georgia and of the non-governmental organization, Médecins sans frontières. In addition, in Tbilisi, the mission met with representatives of the Conference on Security and Cooperation in Europe (CSCE).

I. BACKGROUND AND CONTEXT

7. Abkhazia has been the home for centuries of a people possessing a distinctive language and culture whose descendants, more recently, have constituted only a minority of the territory's population. According to a census conducted in 1989 showing a population of 535,000, Abkhazians accounted for 17.8 per cent of the total, with Georgians constituting 45.7 per cent. Other significant population groups included Russians (16 per cent), Armenians (15 per cent) and Greeks (2.5 per cent). Small groups of Turks, Tatars, Ukrainians, Belarussians and others also formed part of the population. In August 1992 the capital, Sukhumi, had a population of 150,000. Other cities/regions had the following populations: Gudauta 90,000; Ochamchira, 85,000; Gali, 80,000; Gagra, 75,000 and Tkvarcheli, 55,000.

8. In 1931, Abkhazia was accorded the status of an autonomous republic within the Soviet Socialist Republic of Georgia. The political turmoil in the Soviet Union in the late 1980s and its formal dissolution in 1991 were paralleled by growing political tensions and the rise of nationalist feeling among both Georgians and Abkhazians, as well as increasingly insistent demands from the latter for greater autonomy. On 14 August 1992, these developments culminated in the outbreak of an armed conflict.

9. Since August 1992, serious human rights violations are reported to have taken place in the context of the above-mentioned armed conflict, which has gone through several different phases:

(a) On 14 August 1992, Georgian government forces entered the territory of Abkhazia. Large parts of the territory were brought under Georgian control, namely, the areas between the Gumista and the Inguri Rivers, which includes the capital Sukhumi, and from the Psou River to Gagra. Gagra was retaken by Abkhazian forces on 2 October 1992 in an action that resulted in a particularly heavy loss of life;

(b) Intense fighting took place during the months of June and July 1993 on the Gumista front. On 27 July 1993, a cease-fire agreement was signed in Sochi providing, inter alia, for the withdrawal of Georgian troops and heavy weaponry from the areas east of the Gumista River;

(c) On 16 September 1993, claiming that the Georgian side had failed to observe the cease-fire agreement, Abkhazian forces attacked the Georgian forces in Sukhumi. The capital was taken on 27 September 1993. During the days that followed, the Abkhazians regained control over all areas that had been held by Georgian government forces.

10. Grave human rights violations are reported to have taken place during each of the phases of the armed conflict, both during and in the aftermath of the

attacks. Such violations are said to have included extrajudicial executions, torture, rape, looting, burning of houses and apartments as well as their unlawful occupation, often at gunpoint, and forced deportations. Each party to the conflict has also accused the other of carrying out "ethnic cleansing" in the areas under its control.

11. Civilians of all ethnic groups have been victims of human rights violations. In areas controlled by Georgian government forces, such violations were allegedly perpetrated by members of the National Guard or special units such as the Mkhedrioni ("Horsemen") and the "White Eagles", but members of the local population who had been armed by these forces and were cooperating with them have also been implicated. Abkhazians were reported to have been particularly targeted during the first four months following the events of 14 August 1992. Fewer human rights abuses were said to have been committed in the areas under Georgian government administration after units of the National Guard and the Mkhedrioni were replaced by local Georgians at the end of 1992. In the areas under Abkhazian control, mercenaries, mainly from the Northern Caucasus, who fought alongside the regular Abkhazian forces, were singled out as having been the perpetrators of particularly frequent and egregious violations directed against Georgians, but regular Abkhazian forces have also been identified as being responsible for human rights violations.

12. During its visits to Abkhazia and Tbilisi, the mission received a considerable amount of information in the form of documents as well as direct testimony from victims of human rights violations and from eyewitnesses. While it was impossible for the mission to conduct an exhaustive investigation into all allegations of human rights abuses with a view to establishing their veracity and identifying perpetrators and motives, the fact that numerous and serious human rights violations have been committed and continue to be committed in Abkhazia is not open to doubt.

II. HUMAN RIGHTS VIOLATIONS

13. Given the time constraints, the mission's focus was necessarily on developments affecting human rights that occurred after the events of August 1992. The principal areas of concern identified by the mission, on the basis of the information it was able to gather, relate to violations of the right to life and the right to security of the person, of the right to be free from torture or cruel, inhuman or degrading treatment or punishment and of the right to own property and not to be arbitrarily deprived of property. Massive displacement of the civilian population was an area of particular concern.

A. Extrajudicial executions

14. Violations of the right to life have taken place on a large scale since the outbreak of the armed conflict in Abkhazia. The mission has gathered numerous reports and witnesses' accounts concerning extrajudicial, summary or arbitrary killings of civilians of all ages. The victims have been mainly civilians who had not participated in armed confrontations, but many combatants who had been wounded or captured have also lost their lives. Extrajudicial killings have been carried out by members of the regular forces of both parties to the

conflict as well as civilians assisting them, irregular groups and bands of armed individuals. The mission was unable to gather any reliable estimates as to the overall number of victims.

15. A large number of such violations occurred when troops or armed groups moved through the country, either on the offensive or in retreat. While in many instances killings were carried out selectively, the mission also received testimony concerning acts of violence committed indiscriminately, without regard for the ethnic origin of the victim.

16. When they entered Abkhazia in August 1992, Georgian forces were said to have targeted mainly Abkhazians, but Armenians were also reported to have been among the victims of extrajudicial executions. The mission has received testimony indicating that some of the killings were preceded by torture and ill-treatment (for example, beating, burning, extraction of gold teeth, etc.).

17. In Ochamchira, the mission received testimony indicating involvement by local Georgian residents in such killings, either together with the soldiers or on their own. An eyewitness to violent events in this town during 1992 reported that the Mkhedrioni had carried out killings at random, irrespective of the ethnic origin of the victims.

18. Numerous killings of civilians were also committed by Abkhazian forces, both during and after armed confrontations. Many of the allegations concern atrocities committed after the Abkhazians regained control over Gagra in October 1992. The mission received information indicating that several hundred Georgians were killed after Abkhazian forces had entered the city. Despite claims that only combatants with automatic weapons in their hands had been killed, there is evidence that most of the victims were no longer participating in combat, and that many others were civilians who had not actively taken part in the confrontation.

19. Killings of civilians and ex-combatants were also reported to have taken place after the Abkhazian forces regained control over the region between the Gumista and Inguri Rivers in September 1993. The regional authorities in Ochamchira informed the mission that, upon entering the city in the aftermath of the fall of Sukhumi, Abkhazian soldiers had killed a number of Georgians who had been pointed out as collaborators of the Georgian forces. Allegedly, they did this despite warnings by the authorities that such killings would not be tolerated. However, according to the same authorities, the individual soldiers responsible for those acts could not be identified.

20. Numerous witnesses reported that, when the Abkhazian forces moved towards the south in September 1993, the first units did not commit atrocities against civilians. On the contrary, they were said to have warned the population to take precautions since they were to be followed by other units who engaged in looting, burning of houses and killing. However, nothing appears to have been done to prevent those units from carrying out such acts.

21. Since the Abkhazian authorities re-established control over the areas formerly held by Georgian forces, violations of the right to life have reportedly continued. Bands of armed individuals were reported to be terrorizing the population, particularly in the countryside, with neither the

regular Abkhazian army nor the militia providing effective protection. Only very recently has access to villages come under the control of village guard units, which were often formed by the population on their own initiative.

B. Torture and ill-treatment, including rape

22. The mission has received information about cases in which torture and ill-treatment preceded extrajudicial killings. Testimony was received according to which torture was used by Abkhazian forces during interrogations in the region of Pitsunda in the early phases of the conflict. The mission also received testimony of an eyewitness to rapes of women by Abkhazian soldiers. Reports about similar abuses by Georgian government forces were also received but could not be confirmed by the mission. The mission also spoke with several former prisoners who reported having been subjected to ill-treatment during their detention by both Georgian and Abkhazian forces. Several observers have noted, however, that few prisoners were taken during the armed confrontations.

C. Violations of property rights

1. Looting and burning of houses and apartments

23. Property rights have been violated on a massive scale since the beginning of the armed conflict in Abkhazia. Thousands of people have been deprived of their houses, apartments and other belongings. The amount of destruction in the areas in which combat took place, or through which both Georgian and Abkhazian forces advanced or retreated, is enormous. While many of the buildings were destroyed as a consequence of the fighting, a large number of houses and apartments were reportedly set on fire either to force their inhabitants out of their dwellings or in revenge. As in the case of extrajudicial killings, such acts have usually been committed in a selective way. Sometimes, however, they were indiscriminate as, for example, when Mkhedrioni forces moved through Ochamchira in the latter half of 1992.

24. It has been reported to the mission that, when Georgian forces entered Abkhazia in August 1992, they were not provided with adequate logistical support and resorted to violence in order to obtain food. Many witnesses, both Abkhazians and Georgians, stated that the Georgian population of Abkhazia suffered as much as all other nationalities from the presence of these units.

25. Both in the countryside and in Sukhumi and other cities, houses and apartments that were not destroyed have almost without exception been looted. The mission has received numerous reports and witnesses' accounts of such acts having been committed by soldiers, irregulars cooperating with them, civilians and roaming bandits. Very often, only the bare walls and concrete floors of a house or apartment have been left, everything movable having been stolen. Civilians deprived of all their belongings and trying to find the most basic items such as chairs, tables or beds in houses whose inhabitants had fled, have often resorted to looting themselves.

26. In the village of Akhail-Kindgui, district of Gulripsh, for example, the mission met a 60-year-old Abkhazian who explained that he was looking for a

table in houses abandoned by their Georgian owners. He stated that he did not want to take their possessions but had no other choice since Georgians had taken away all his belongings.

27. As a consequence of the burning and looting, entire villages have been abandoned. In others, only very few people are left. Groups of armed individuals are continuing to pass through villages, killing people and animals and looting and burning down houses. During its visit to villages in the region of Gulripsh, the mission could also see such groups of armed people moving around freely. Villagers who were fearful of staying in their own houses often gathered together in the house or apartment of a neighbour.

28. The mission has received evidence indicating that many of these armed groups are composed of former mercenaries who had fought alongside the Abkhazian regular forces. Most of them are from the Northern Caucasus and include Chechens, Circassians, Kabardinians and others. According to a number of observers, many of them had been promised rewards, in money or in kind, and resorted to looting when it became clear that the Abkhazians could not fulfil such promises.

29. Villagers of Gulripsh region informed the mission that looting and burning was carried out in several waves. First, regular Abkhazian soldiers came and demanded weapons, money and gold. Then, a second wave of soldiers took away cars, furniture and whatever else might have been left. They were followed by mercenaries in search of rewards. Finally, armed groups that had not taken part in the combat came to the villages with the aim of looting, burning and killing. In this particular area, such gangs of marauders were composed of Abkhazians and Armenians and were keeping villagers in a permanent state of fear, preventing farmers from working in their fields. While the mission visited these villages, nearby shooting could be heard on several occasions.

2. Occupation of houses and apartments

30. The mission received numerous testimonies about the unlawful occupation of houses and apartments, both in the cities and in the countryside, often under the threat or actual use of force. Such violations have occurred at all times, whether during armed conflict or in periods of cease-fire. Several persons whose apartments or houses were under such illegal occupation informed the mission that there was no effective way for them to recover their property.

31. As a consequence of the armed conflict, many houses and apartments have been abandoned. Almost all of them, if not destroyed, have been taken over by others. To date, few of the original owners have returned and sought to reclaim their property. The Abkhazian authorities have stated that each such case would be examined separately and that illegal occupants would be expelled.

32. The mission received numerous allegations, but could not independently confirm, that people who left Abkhazia had been obliged to sign declarations to the effect that they were abandoning their property voluntarily and handing it over to the authorities. Displaced persons who were interviewed by the mission stated that they did not have to sign such declarations. However, reliable sources stated that, at an earlier stage, this had indeed been the practice.

33. Guarantees for the preservation of the property of those who leave temporarily are very precarious. Representatives of the Abkhazian authorities have stated repeatedly that the rights of the owners would be respected and that houses, apartments and cars would be restored to them. A draft bill was said to be under consideration providing for houses, apartments and cars to be placed in temporary State custody. At present, those leaving were said to give the keys of their dwellings to neighbours who would look after them. However, the mission received numerous reliable reports that in practice all such dwellings are taken over, often by displaced persons from other regions. It has also been brought to the attention of the mission that persons from the Northern Caucasus who had participated in the fighting on the side of the Abkhazians were now being settled with their families in Abkhazian towns and villages as a reward for assisting the Abkhazian forces, but this could not be independently confirmed.

D. Displacements

34. As a consequence of the armed conflict and the massive human rights violations, large numbers of people have left their homes. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), some 250,000 displacements have been registered. This figure includes a number of persons who have been displaced two or three times since August 1992. Official figures provided by the Government of Georgia indicate that there were 152,000 displaced persons as of 1 September 1993.

35. After 27 July 1993, when a cease-fire agreement was signed in Sochi, a number of displaced persons moved back to Sukhumi, which was described as having been a lively town during the summer months of 1993, in which the market and other activities had started to resume. However, the renewal of fighting in September 1993 and its aftermath led to a new wave of displacements. Various observers and witnesses have stressed that the breach of the cease-fire agreement had shattered trust and hopes for the possibility that displaced persons could return to Abkhazia in the foreseeable future. After the Abkhazian forces had taken Sukhumi, most Georgians living in the region between the Gumista and Inguri Rivers tried to flee before the arrival of the Abkhazian forces. Some others who stayed behind were reportedly killed when the Abkhazians took control of villages and cities in Ochamchira region.

36. The Abkhazian authorities informed the mission that, when their forces entered Sukhumi on 27 September 1993, the capital had a population of 50,000, down from the previous 150,000. Some 20,000 displaced persons are said to have returned to Sukhumi since then, while during the first three weeks after the Abkhazian forces regained control of the city, 2,500 had decided to leave. According to local authorijties, the population of Ochamchira had declined by the end of October 1993 from 85,000 to 8,000 - of whom only about 1,000 were Georgians. Observers who had recently visited Gali described it to the mission as a "dead city", in which only some 200 to 300 people were left. Ochamchira and Gali districts, whose inhabitants had been mostly Mingrelian Georgians, were both said to be almost entirely depopulated.

37. Some of those who left Abkhazia in September 1993 were evacuated by ship or by air. Most Georgians from Gali and parts of Ochamchira regions left for the

western Georgian reigon of Mingrelia, using the highway that leads from Sukhumi over Ochamchira and Gali to the border at Inguri River and the city of Zugdidi. Many people who left the areas east of Sukhumi, the region of Gulripsh and the western parts of Ochamchira, were foreced to flee into the mountainous region of Svanetia. While some were said to have been able to cross into the Georgian part of Svanetia and from there through Mestia to Tbilisi, considerable numbers of displaced persons are said to be still in the Svanetian mountains. Their situation has been described to the mission as catastrophic: they are suffering not only from cold, at the onset of wineter, and lack of food and shelter, but also from attacks by armed bandits. Some humanitarian aid in the form of food packages and blankets has been provided by Russian and Ukrainian helicopters, which also evacuated some of the displaced, and through United Nations relief flights. However, the mission has received information tha many displaced persons are hiding in the woods and do not dare to approach even the helicopters providing humanitarian aid, for fear of being robbed. Their plight clearly calls for strengthened humanitarian relief measures.

38. The mission has also received allegations of forced deportations by both sides in the conflict. Some persons were reportedly obliged to sign a declaration stating that they were leaving "voluntarily" and would never come back. Others are said to have had their residence permits (propiska) cancelled in their passports, which would prevent them from coming back and resettling in Abkhazia. The mission was shown only a photocopy of a statement of "voluntary" emigration and a passport in which the propiska had been cancelled, but could not speak with the persons affected, both Georgians. Several displaced persons who were interviewed claimed that both the imposition of a requirement to sign such declarations and the removal of the propiska had been practised by the Abkhazian authorities in Gagra after 2 October 1992.

39. With regard to the propiska, it is of interest to note that, under the pertinent legislation of the former Soviet Union, which is still in force, the propiska expires automatically if a person leaves his or her place of residence for more than six months. The Abkhazian authorities have expressed a willingness to consider making an exception in this regard for persons who have left their homes in Abkhazia under the present circumstances. However, at present there appear to be no guarantees allowing for the eventual return of such displaced persons.

40. Georgians and other non-Abkhazians who currently wish to leave Abkhazia must apply to the Commission on Prisoners-of-War and the Rights of the Civilian Popoulation in Sukhumi, wherre their name, date of birth, address in Abkhazia and desired date of departure are recorded. All Georgians of fighting age must produce a clearance from the security service to prove that they have not participated in anti-Abkhazian activities. Those who have obtained this clearance, as well as women, children and the elderly, are then taken by bus to a bridge over the Inguri Rivedr, from where they have to continue their journey into Mingrelia on foot. The mission has received testimony indicateing that, despite affirmations to the contrary by the Abkhazian authorities, Georgians were afraid that they will not be allowed to return if they follow the official emigration procedures currently applicable. As a consequence, some of them have tried to leave the territory clandestinely.

41. The numbers of persons leaving Abkhazia in accordance with such procedures have been decreasing over the last weeks, but some 20 to 30 Georgians, Russians, Armenians and others are still leaving daily on a bus provided by the Abkhazian authorities.

42. The mission has clearly noted, during interviews with civilians both in the cities and in the countryside in Abkhazia, the persistence of a general atmosphere of fear. This was confirmed by several observers who had spent some time in the area. The fear appears to be based both on previous experience and on accounts of atrocities that have actually taken place, as well as on rumours. Each party to the conflict continues to accuse the other of inciting hatred through propaganda in the mass media and statements by politicians, further fuelling the sense of fear and insecurity.

III. ADMINISTRATIVE AND JUDICIAL REMEDIES

43. At present, practically no effective remedies are available to victims of past human rights violations or for the prevention of future violations, in particular of property rights. In the latter regard, the mission was informed by the Abkhazian authorities that those affected could lodge official complaints, which would be pursued. If appropriate, illegal occupants would be removed and the property restored to the owner. In practice, however, people are afraid to turn to the authorities. The mission was also informed by persons whose dwellings had been taken from them that the current occupants had threatened to burn their houses down if they lodged a complaint with the authorities.

44. The mission did not receive clear information concerning measures that were being taken or contemplated by either the Georgian or Abkhazian authorities to bring the perpetrators of major human rights violations to justice. A number of cases of persons charged with murder, looting, rape or arson are said to be under investigation in Abkhazia, including some involving members of the regular Abkhazian forces. The case of the former Chairman of the Council of Ministers of the Autonomous Republic of Abkhazia, Mr. Zhiuli Shartava, who was assassinated after the Abkhazian forces had taken Sukhumi on 27 September 1993, is regarded as a matter of exceptional gravity, particularly by the Georgian Government, and the Abkhazian authorities stated to the mission that they had already initiated an intensive investigation, which was still continuing.

IV. LAW AND ORDER

45. All displaced persons interviewed by the mission who stated their hope of being able to go back to Abkhazia in the future stressed that the re-establishment of law and order, which would guarantee respect for human rights, was the main condition for their eventual return. As indicated earlier, at present this condition is far from being fulfilled. The Abkhazian authorities, for their part, repeatedly asserted their intention to restore law and order as soon as possible. They acknowledged that human rights violations have taken place and continue to occur. They did not deny that soldiers have been responsible for killings - indeed, several orders (No. 281 of 17 August 1993, No. K 197 of 23 August 1993 and No. K 208 of 1 September 1993)

were issued concerning measures to improve discipline among the troops following "incidents of irresponsible use of firearms resulting in casualties" - and that gangs of marauders and looters continued to escape their control. The authorities repeatedly stressed that they condemned crimes and human rights abuses. After control over Sukhumi was established, the two main officials responsible for security were said to have been dismissed for their involvement in illegal acts. At the same time, the authorities have acknowledged their incapacity to gain control over the situation under the present conditions, noting in this connection that the militia was substantially understaffed; that communications were insufficient; that electricity was lacking; and that proper law enforcement was further impeded by the lack of fuel and of paper to print and disseminate laws and decrees regarding public order.

46. The Abkhazian authorities have now issued a number of orders aimed at restoring law and order and authorizing law enforcement agents to use force to that end. For example, order No. 287 of 10 October 1993, concerning measures against war criminals, thieves and robbers on the territory of Abkhazia, provides that armed persons resisting arrest are to be shot on the spot. Similar provisions were made in order No. 288 of 11 October 1993 for the region of Gali. The authorities claimed that the efforts undertaken with a view to confiscating illegal arms had yielded some results. Nevertheless, during its stay in Abkhazia the mission could observe a large number of automatic rifles being carried openly in the cities and villages. In Sukhumi, shooting could be heard frequently after dark and during the daytime. The fact that not all members of the militia wore uniforms made it very difficult to ascertain whether those carrying weapons were entitled to do so.

47. The Abkhazian authorities stressed that they would like to see the displaced persons return to Abkhazia. Decrees have been issued inviting all Russians, Turks, Greeks, Jews and Armenians to come back. Georgians are also said to be most welcome, provided that they had not fought against the Abkhazian forces during the armed conflict. Representatives of the Abkhazian authorities told the mission that they genuinely wanted all Georgians to come back, but were not pressing them to return immediately since they could not ensure their safety under the present circumstances. They also informed the mission that a meeting was scheduled to take place on 25 October 1993 between representatives of the Abkhazian authorities and of displaced persons who wished to return to the Gali region and who had reportedly asked that an Abkhazian chief of administration be appointed for the period of their resettlement. The mission has not received any information about the outcome of this meeting. On 20 October 1993, pursuant to decree No. 89, a commission was established to promote the return of displaced persons.

V. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

48. Numerous and serious human rights violations have been committed, and continue to be committed, in Abkhazia since the outbreak of the armed conflict between Georgian government forces and Abkhazian forces on 14 August 1992. The mission is deeply concerned at the degree of violence unleashed by this conflict and the resulting devastation.

49. Civilians, including women, children and elderly persons, as well as combatants who were no longer actively participating in armed confrontations, have been the victims of violations of the right to life and physical integrity, of the right to personal security and of property rights.

50. The victims included members of all ethnic groups inhabiting Abkhazia.

51. Both Georgian government forces and Abkhazian forces, as well as irregulars and civilians cooperating with them or enjoying their acquiescence, have been responsible for such human rights violations.

52. In addition to the loss of numerous lives, the conflict has led to the almost complete devastation of vast areas of the country and the massive displacement of population, entailing extreme hardship and suffering. There are indications, in the latter connection, that during the administration of the area between the Gumista and Inguri Rivers by Georgian government representatives, a large number of Abkhazians had left. Conversely, entire regions, such as Gali and Ochamchira, have now been deserted by almost all of their Georgian (Mingrelian) population, which had constituted a large majority there, and most Georgians also appear to have left Sukhumi. On the basis of the information collected, the mission was not in a position to ascertain whether it had been an actively pursued policy of the authorities of either side, at any time, to clear the areas under their control of either the Abkhazian or the Georgian population. Only further careful investigation and evaluation can establish the relevant facts in a conclusive manner. The passionate character of the conflict, the destruction of houses and apartments and of basic living conditions as a direct consequence of the fighting and the deeply felt fear for personal security in an atmosphere of lawlessness and violence to which many individuals have testified undoubtedly contributed greatly to the displacement of the population on such a massive scale.

53. The mission was particularly impressed by the fact that all displaced persons interviewed affirmed that, prior to the outbreak of the armed conflict, they had lived peacefully with their neighbours. Many of them also told the mission that, during the conflict, Abkhazian villagers had protected their Georgian neighbours and vice versa. Almost without exception, the displaced persons met by the mission asserted that they wished to return to Abkhazia. However, they made it clear that this was subject to the restoration of a situation in which their safety could be guaranteed and their protection assured.

B. Recommendations

54. If human rights are to be restored in the territory of Abkhazia and their enjoyment ensured, the following measures will need to be taken.

55. Investigations should be carried out by both parties to the conflict into all allegations of human rights violations with a view to clarifying the circumstances and identifying those responsible. Those involved in planning and carrying out such human rights violations should be prosecuted and sanctioned, regardless of their rank or position, by the appropriate authorities.

56. Compensation should be granted to the victims or, in cases of extrajudicial executions, to their families.

57. With a view to preventing further human rights violations, measures should be taken to ensure that, in carrying out their tasks, the security forces fully respect human rights and observe, in particular, the restrictions on the use of force and firearms as set forth in international human rights instruments. 1/ Accordingly, security forces and law enforcement personnel should receive thorough training in the field of human rights. In this regard, it may be recalled that the most effective deterrent of human rights abuses is the certainty that those involved will be held responsible.

58. Those in control of the territory should implement and ensure law and order in Abkhazia. Particular attention should be paid to ensuring the safety of the inhabitants of those areas which at present suffer from banditry and criminality. In addition, all those carrying weapons illegally should be disarmed.

59. The enjoyment of property rights should be fully guaranteed. All illegally occupied houses and apartments should be restored to their owners. Funds and construction materials should be made available to provide housing to all those whose homes have been destroyed in the course of the armed conflict. The international community should be encouraged to provide generous assistance in this regard.

60. The right of displaced persons to return to Abkhazia should be ensured. The continued validity of their propiska even after more than six months of absence from their place of residence should be guaranteed by law. The international community should assist the Georgian and Abkhazian authorities in facilitating the return of those displaced. A matter of particular urgency is the situation of displaced persons who are still hiding in the mountains of Svanetia.

61. The Abkhazian authorities have repeatedly stated their willingness to create the conditions for the return of the displaced, namely the re-establishment of law and order so that their safety may be guaranteed. They have also assured the mission that they considered all inhabitants of the territory to be citizens of Abkhazia, regardless of their ethnic origin. The international community should closely monitor the efforts made to put these statements into practice. The presence of representatives of international organizations may be helpful in the restoration of guarantees for the protection of the civilian population. Human rights monitors placed in Abkhazia could make an important contribution in this regard.

62. It is the obligation of the appropriate authorities to undertake every effort to achieve the reconciliation of all components of the population of Abkhazia and thus facilitate the creation of conditions for the return of the displaced and for peaceful coexistence. Both sides should refrain from propaganda in any form as well as from all manifestations that may lead to incitement to hatred or discrimination on ethnic grounds. The means of mass communication should be used as an instrument to promote reconciliation.

63. Effective and lasting guarantees to ensure respect for human rights will very much depend on the elimination of the climate of fear and insecurity currently prevailing in Abkhazia. Both sides should endeavour to find a speedy political solution to the conflict that would allow them to concentrate on facilitating the return to normality. The international community should strongly support them in such efforts.

Notes

1/ The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Havana, Cuba, from 27 August to 7 September 1990 (A/CONF.144/28/Rev.1); the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169); and the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions (Economic and Social Council resolution 1989/65).

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SECURITY COUNCIL
Forty-eighth year

Letter dated 23 November 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter addressed to you by Dr. Slavko Gordic, Minister for Education and Culture of the Federal Republic of Yugoslavia (see annex).

I should be grateful if you would have the present letter and its annex circulated as an official document of the General Assembly, under agenda item 107, and of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

ANNEX

Letter dated 11 November 1993 from the Minister for Education and Culture of the Federal Republic of Yugoslavia addressed to the Secretary-General

For many years, a large number of Yugoslav nationals have been living with their family members in Western European countries. The host countries, wishing to ensure that the children of migrant workers maintain their national and cultural identity, have, in accordance with international instruments and bilateral agreements, authorized, for more than 20 years, the teaching of the language and culture of the countries of origin, in addition to the regular education of foreign children and young people.

The imposition of the Security Council sanctions against the Federal Republic of Yugoslavia and the adoption of Security Council resolution 757 (1992) have, in some European countries, called into question the position and status of Yugoslav nationals and their children. Although the sanctions are directed at the territory of the Federal Republic of Yugoslavia and should not affect migrant workers, during the past year and a half in which the sanctions have been implemented, some countries have expanded their application to include Yugoslav nationals living in their territory. Furthermore, in some host countries, the sanctions also affect the field of education, which was exempted from them under a UNESCO decision.

The specific reason for this letter is the decision by the French Ministries of National Education and Foreign Affairs to suspend, during this school year, language and culture courses in the Serbian language for Yugoslav children of Serbian and Montenegrin nationality. Unfortunately, this decision by the French authorities, which they justify through implementation of the sanctions against the Federal Republic of Yugoslavia, fails to take account of the fact that it is a question of children, who, in most cases, were born in France or are even of French nationality.

In the Federal Republic of Germany, only Yugoslav children of Serbian and Montenegrin nationality have been deprived of grants for organizing native language and culture courses and only these children are unable to purchase school textbooks and readers printed in the Federal Republic of Yugoslavia because a decision by the German Government imposed an embargo on the import of school books. Not only has the United Nations sanctions Committee not acceded to the request by the Federal Republic of Yugoslavia to exempt books and textbooks for the teaching of their native language to children living abroad from the application of the sanctions, but it has not even replied to that request. Such a situation has placed the teaching of the national language and culture in a very difficult situation in Germany and constitutes an act of national discrimination with regard to the other foreign children in that country.

In addition to these examples of acts designed to threaten the national and cultural identity of Yugoslav citizens of Serbian and Montenegrin nationality by eliminating the teaching of Serbian language and culture in French schools and a considerable worsening of teaching conditions in Germany, extremely alarming

examples of an interpretation of conflicts in the regions of the former Socialist Federal Republic of Yugoslavia have recently been appearing in the school textbooks and literature of those countries. The most recently used history textbooks in French schools for children from the age of 10 to 14 and 16 to 18, such as, for example, the secondary-school eighth-level textbook by Pierre Milz and Serge Bernstein, contain texts in which Serbs, as a nation, are depicted as those who caused the war and the population migrations in the former Socialist Federal Republic of Yugoslavia. Serbs, Serbia and the Serbian Academy of Sciences and Arts are linked in these textbooks to the ideas of "Greater Serbia" and "ethnic cleansing". In the Federal State of Hamburg in Germany, a text entitled "War in the Balkans", for 10th grade pupils in German schools, holds the Serbs responsible for the war and war crimes (articles published in the press on the mass murder of Muslims by Serbs, the rape of Muslim women and the oppression of Albanians in Kosovo by the Serbian State are quoted). In addition, exhibitions of work by children, including Croatian and Muslim children, depicting their view of "Serb aggression" have been held in classes.

Owing to this attitude on the part of the school authorities, the current policy has been introduced into schools and citizens of Serbian and Montenegrin nationality have been systematically subjected to a type of discrimination which was unknown in the recent history of the developed countries and can be compared only to the stigmatization and prosecution of the Jews during the Second World War.

In view of the foregoing examples, we believe that Yugoslav citizens of Serbian and Montenegrin nationality living abroad, including those who are nationals of those countries, are, in spite of the fact that they are making a major contribution to their development (they pay taxes, inter alia, for education), themselves victims of the sanctions imposed against the Federal Republic of Yugoslavia, which are suspending and violating their basic human rights and the right to education, exercised, furthermore, by migrant workers. In other words, United Nations instruments, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families are being violated in the case of Yugoslav nationals residing abroad. For this reason, we request you to provide your assistance, in accordance with your office and authority, to ensure that the practice of extending the application of the sanctions to Yugoslav nationals residing outside the frontiers of the Federal Republic of Yugoslavia is halted, since a single United Nations document has thus rendered invalid the conventions adopted to ensure the greatest protection of human rights and freedoms. The facts referred to above concerning the elimination of the teaching of the Serbian language and culture in French schools, the publication in France and Germany of school textbooks containing erroneous and non-pedagogical material, and the imposition of school textbooks designed for others on Serbian and Montenegrin children for the teaching of their language and culture indicate a dangerous practice in European countries, which is causing discrimination, stigmatization and the spread of intolerance and hatred among the native population.

We expect that the Organization, which you head, will request the Governments of the countries in which the aforementioned occurrences were reported to treat Yugoslav children like the children of the other foreign

communities and that they will prevent any form of discrimination against them. This means that it will be necessary to reinstate the language and culture courses in the Serbian language for Yugoslav children in France, lift the embargo on the import of school textbooks in Germany and publicly condemn the attempts to introduce into education a policy which stigmatizes innocent citizens of Serbian and Montenegrin nationality in those countries.

We hope that acting by virtue of your eminent and honourable position, you will protect the human rights of the Yugoslav children and young people who are living abroad and, thereby, the basic principles of mankind in education.

(Signed) Slavko GORDIĆ
Federal Minister

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THE SITUATION CONCERNING WESTERN SAHARA

Report by the Secretary-General

INTRODUCTION

1. In response to Security Council resolution 809 (1993) of 2 March 1993, I have already submitted two reports to the Council on 21 May 1993 and on 28 July 1993 respectively. 1/, 2/ The present report provides an account of the further efforts made by myself and my Special Representative since my last report in order to resolve the issues still standing in the way of the implementation of the settlement plan for Western Sahara. 3/ It is divided into four sections. Section I provides an update of the military aspects of MINURSO since my report to the Council of 26 January 1993. 4/ Section II reports on the civil police component of MINURSO. Section III covers all other aspects of the operation, including developments since the last report. 2/ Section IV contains my observations and recommendations.

I. MILITARY ASPECTS

2. As of 1 November 1993, the military component of MINURSO totalled 324 personnel, comprising 226 military observers and 98 military support personnel.

(a) United Nations military observers and headquarters personnel

Argentina	5
Australia	2
Austria	1
Bangladesh	7
Belgium	1
Canada	16
China	20
Egypt	8
France	30
Ghana	4
Greece	1
Guinea	1
Honduras	16
Ireland	5

Italy	6
Kenya	10
Malaysia	6
Nigeria	1
Pakistan	1
Poland	2
Russia	29
Switzerland	1
Tunisia	9
United States of America	30
Venezuela	14
Total	226

(b) Contingents

(1)	Signals unit: Australia	43
(2)	Movement control: Canada	14
(3)	Medical Unit: Switzerland	41
	Total	98
	Grand total	324

3. Brigadier-General André Van Baelen of Belgium continues to serve as Force Commander of MINURSO. His tour of duty was renewed on 1 October 1993 for an additional one-year period.

4. Pending the fulfilment of the conditions necessary for the commencement of the transitional period in accordance with the settlement plan, 3/ the military mandate of MINURSO remains restricted to monitoring and verifying the cease-fire in effect since 6 September 1991. Accordingly, the deployment of the military component of MINURSO continues to be limited to military observers and the necessary military support personnel.

5. Revised instructions for the monitoring and verification of the cease-fire came into effect on 1 April 1993. At separate meetings with the Force Commander, the military leadership of each party expressed their willingness to comply with these new and more detailed instructions.

6. Violations of the cease-fire were without exception of a non-violent nature and thus did not result in casualties on either side. Whereas a total of 50 violations were reported by MINURSO during the period August-December 1992, with 46 of them attributed to Morocco and 4 to the Frente POLISARIO, 4/ the number of confirmed violations for the period 1 January-1 November 1993 declined markedly to 23, with 12 attributed to Morocco and 11 to the Frente POLISARIO. Four of these violations were related to improvements of defensive works and 17 to unauthorized troop movements. During the latter period, the Frente POLISARIO has continued to file complaints of frequent Moroccan overflights, indicating that such flights remained a matter of grave concern. However, MINURSO's observations could confirm only two instances of air violation.

7. While there have been no incidents of explosions of mines involving MINURSO personnel during the past year, one such explosion caused the death of a young Saharan child and another injured a POLISARIO member. These unfortunate accidents demonstrate the serious hazards which minefields continue to pose.

8. The harsh desert conditions coupled with lack of infrastructure continue to entail considerable hardship for the military observers of MINURSO. Nevertheless, their living and working conditions have steadily improved, with the gradual installation of prefabricated camps. However, time, weather and terrain are taking a toll on MINURSO's equipment, including vehicles, generators as well as the camps. A major overhaul of MINURSO's logistics will therefore be required in the coming months.

9. Two serious accidents caused the tragic loss of four lives among MINURSO staff this year. On 18 January 1993, a MINURSO vehicle had a head-on collision with a local truck, resulting in the death of a military observer and injuring another. The second accident occurred on 21 June 1993, when a PC-6 aircraft belonging to the Swiss Medical Unit crashed while taking off from team site Awsard in the southern sector of the Territory. The Swiss pilot and two passengers, an Australian doctor and a Norwegian technician, died in the crash, while the third passenger, a Swiss nurse, was seriously injured.

10. I would like to take this opportunity to pay tribute to the military personnel of MINURSO for the contribution they have made to the maintenance of the cease-fire in Western Sahara. I also wish to express once more my deep appreciation to the Governments contributing military observers and support personnel, and to thank the two parties for the cooperation they have extended to the military component of MINURSO.

II. CIVIL POLICE

11. As of 1 November 1993, the Security Unit of MINURSO was composed of a first contingent of 26 police officers, including the Police Commissioner:

Austria	6
Belgium	5
Germany	5
Malaysia	5
Togo	5
Total	26

12. The Police Commissioner, Colonel Jürgen Friedrich Reimann (Germany), arrived in the mission area in early June 1993, followed by deployment of the Security Unit. The main responsibility of the security component of MINURSO will be to ensure that order is maintained in and around the identification and registration offices. Current activities of the police officers, who are on 24-hour standby at Laayoune and Tindouf, are complementary to the work of the Identification Commission and include coordination of logistics, technical and physical support.

III. POLITICAL ASPECTS

13. In paragraph 2 of its resolution 809 (1993), the Security Council called for an intensification of efforts in order to resolve outstanding issues, particularly those relating to the interpretation and application of the criteria for voter eligibility.

14. As previously reported, 2/ I presented to the parties, during my visit to the mission area from 31 May to 4 June 1993, a set of compromise proposals on the interpretation and application of the criteria for voter eligibility which my predecessor had enunciated in his report to the Security Council of 19 December 1991. 5/ While expressing reservations about the provisions relating to tribal links with the Territory, Morocco acquiesced in the compromise. In a letter to me dated 19 June 1993, the Frente POLISARIO, in expressing reservations about the fairness of the compromise, proposed several amendments to the provisions relating primarily to tribal links with the Territory and to the composition of the teams of tribal chiefs to be invited to testify.

15. In response to the parties' comments on the compromise proposals, and in a further attempt to allay some concerns and to reconcile, as far as possible, the positions of the parties, my Special Representative addressed a detailed explanatory note to the parties on 27 September 1993, clarifying certain provisions of the compromise text, in particular on the two main subjects of contention, tribal links with the Territory and the composition of the teams of tribal chiefs invited to testify. The Frente POLISARIO has nevertheless maintained its substantial reservations and proposals for amendments contained in its letter of 19 June 1993.

16. In her letter to me dated 4 August 1993, 6/ the President of the Security Council qualified as a "positive development" the holding of direct talks between the two parties in Laayoune from 17 to 19 July 1993 in the presence of my Special Representative. Encouraged by the interest shown by both sides and by the positive reaction of the Security Council, my Special Representative explored the possibility of the early resumption of such talks and invited further comments of the parties on the conditions and modalities for a second round. Ground rules for such a second round were laid down in a memorandum of understanding dated 27 September 1993 addressed by my Special Representative to the two parties. It was eventually agreed that the talks would be resumed on 25 October 1993 in New York. While the memorandum of understanding gave to each party the right to choose the composition of its delegation, the presence of former POLISARIO officials in the Moroccan delegation was not considered by the Frente POLISARIO to be conducive to a propitious climate for dialogue. Under the circumstances, the meeting could not take place as scheduled. Subsequently, I had separate meetings with the representative of Morocco and the Coordinator of the Frente POLISARIO with MINURSO. Efforts will continue to bring the parties together for direct talks under mutually acceptable conditions.

17. In paragraph 3 of its resolution 809 (1993), the Security Council further asked for preparations for the holding of the referendum of self-determination of the people of Western Sahara and urged that voter registration commence promptly, starting with the updated lists of persons included in the 1974 census.

18. After arriving in the mission area towards the end of May 1993, the Chairman of the Identification Commission, Mr. Erik Jensen, and his team have held intensive discussions with the parties on modalities which would enable identification and registration to proceed in a thorough and judicious manner. They have also made essential arrangements for voter registration both in Western Sahara and in the Tindouf area and undergone training in the use of specialized equipment and related techniques. Since both parties are of the view that some of the procedures to be adopted are likely to influence, if not determine, the eventual outcome of a referendum, it follows that matters, which may appear to be merely procedural, are perceived by the parties as critically important.

19. Immediately following the direct talks at Laayoune from 17 to 19 July 1993, the Chairman was able to present to both parties a proposed outline of a work programme and a draft registration form. These were subsequently agreed by the Frente POLISARIO, with only minor suggested modifications, on condition that identical and simultaneous action be taken on both sides. The Government of Morocco, while initially inclined to accept the proposals, later expressed reservations on some aspects. After completing another round of discussions, the Chairman presented further firm proposals to both parties, including a revised timetable for the initial stages and a new registration form in Arabic-French and Arabic-Spanish versions.

20. On 17 October 1993, the Chairman addressed a letter to the Government of Morocco and the Frente POLISARIO, confirming conversations in the course of which the revised timetable had been agreed. In his letter, he confirmed that the start of the operations would be announced on 1 November 1993 and that during the following days the population would be informed of the launching of the registration operations, the revised lists of the 1974 census and the instructions for registration would be published and made available to the population, and the registration forms would be distributed. The offices having been opened, forms would be accepted as of 8 December, followed by the classification and preliminary analysis of the forms. The mobilization of the observers and the sheikhs concerned would take place in time for identification to begin on 7 January 1994.

21. The launching of the process leading to identification and registration was officially announced on 3 November 1993. The Special Representative visited the mission area from 1 to 6 November 1993 to further the process and inspect sites selected as registration and identification offices. But problems connected with the formation of a new Moroccan government, named on 11 November 1993, delayed the publication of the revised lists of the 1974 census. Meanwhile, the Identification Commission prepared a supplement to the revised lists, adding the names of those individuals excluded from the 1991 revision because they had not reached 18 years of age at that time. On 19 November 1993, following a series of meetings with the Identification Commission, the Moroccan authorities agreed to implement the initial stages foreseen in the established programme described in the preceding paragraph. As finally agreed, the revised lists of the 1974 census were announced and made accessible to the population in Laayoune on 22 November. On the same day, the Frente POLISARIO, which had indicated its readiness to begin the process as soon as similar action was taken on the Moroccan side, took steps, in consultation with the Identification Commission, to make the revised lists available to the population in one refugee camp. It

was further agreed with the Moroccan authorities that the registration forms would be distributed on 29 November 1993. According to indications received, similar action would be taken by the Frente POLISARIO on that date.

22. Arrangements have been made in consultation with the parties to provide guarantees entitling the tribal chiefs and the observers from both parties to the privileges and immunities necessary for the independent exercise of their functions for the Identification Commission. In consultation with the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity, further arrangements are in hand for the participation of OAU observers in the work of the Identification Commission, in accordance with the settlement plan. 3/

IV. OBSERVATIONS

23. As previously reported, 2/ the efforts made subsequent to Security Council resolution 809 (1993) have led to the acceptance by the Frente POLISARIO of all the criteria for voter eligibility enunciated by my predecessor, thus signifying a favourable change in the earlier position of the Frente POLISARIO which had consistently objected to several of these criteria. But the deadlock has since shifted to their interpretation and application. While now also accepting oral testimony in support of individual applications for participation in the referendum, the Frente POLISARIO maintains substantial reservations on some other key provisions of the proposed compromise on the interpretation and application of the criteria for voter eligibility, and requests amendments to the text. On the other hand, the Moroccan party stresses that, in spite of its reservations, it has acquiesced in the compromise in view of the authority vested in the Secretary-General by the settlement plan, and rejects any attempt at modifying the compromise text in its present form.

24. It is useful to recall that the essential aim of the proposals to which Morocco and the Frente POLISARIO agreed in principle in August 1988, as the basis for the settlement of the Western Sahara conflict, was "to enable the people of Territory of Western Sahara to exercise their right to self-determination and independence," in accordance with United Nations General Assembly resolutions 1514 (XV) of 14 December 1960 and 40/50 of 2 December 1985 and resolution AHG/Res. 104 (XIX) adopted by the Assembly of Heads of State and Government of the Organization of African Unity in 1983. 3/ It may be noted that none of these resolutions offers a precise definition of "a people" for the purpose of exercising this right.

25. In the case of Western Sahara, the problem of defining its people is compounded by the characteristics of Saharan society. As stated in the annex to the report of 19 December 1991, "the Saharan society remains for the most part a society structured around tribal membership, each tribe being subdivided in fractions, subfractions, and family groups (ahels). Some of these tribes extend beyond the borders of Western Sahara. [...] In view of the close affinity which exists between Saharans living within the Territory and those in neighbouring countries and also of their nomadic tradition, the question of determining who is and who is not an indigenous inhabitant of the Territory is a somewhat complex matter. That complexity notwithstanding, it is clear that only members of tribes whose connection with the Territory within the limits of

recognized international borders is clearly established should participate in the referendum." With these considerations in mind, the instructions in the same annex stipulated that "it is the membership of a family group (subfraction of a tribe) existing in the Territory, which can be attested to by the sheiks and notables of the family group, that should eventually prevail for eligibility to participate in the referendum." 5/

26. Both parties agree that membership of a Saharan subfraction existing in the Territory is a prerequisite to eligibility under any of the five pertinent criteria. However, they disagree over which tribes or tribal units have a "clearly established" connection with, or are "existing" in the Territory. While the linkage of a number of Saharan tribes with the Territory is uncontested by either party, it is not so with regard to several others. Morocco is of the view that, because of historical circumstances which prevailed among Saharan tribes in the region, in particular in the territories of Western Sahara and Morocco, members of all subfractions of a given Saharan tribe should be considered, a priori, for participation in the referendum, including those of subfractions which were not represented in the 1974 census. The Frente POLISARIO holds the view that, unless the vast majority of the members of a given subfraction were counted in the 1974 census, that subfraction should not be considered as existing in the Territory, and its members other than those already counted in the 1974 census should not be eligible therefore to participate in the referendum. 4/

27. As a compromise, I have proposed that the potential electorate encompass members of all the Saharan tribal subfractions, but only those, which were represented in the 1974 census, regardless of the number of individuals from these subfractions who were counted in the 1974 census. 7/ All applicants for participation in the referendum would have to cross this first hurdle before claiming eligibility to vote under any of the pertinent criteria. This proposal, which takes the 1974 census as the agreed benchmark, is in my view a sound point of departure for determining potential participation in the referendum, in the absence of a precise and undisputed definition of a "people of Western Sahara" and of an agreement on which specific Saharan tribal units are linked with the Territory. The Frente POLISARIO does not agree with this compromise, as it remains concerned about the possible inclusion, in the electorate, of members of some tribal units which it does not consider as existing in the Territory.

28. Paragraph 3 of Security Council resolution 809 (1993) calls for identification and registration to be focused, in an initial phase, on the 1974 census lists. It is clear, however, that the identification and registration of potential voters cannot proceed beyond a certain point unless the particular problem of linkage with the Territory is settled. For practical purposes, the identification of potential voters and their registration in the final electoral list should be conducted by tribal units, in the presence of their respective sheikhs. It would be more economical in time and effort, and more in accordance with the provisions of the settlement plan, to identify all potential voters from a given tribal unit simultaneously, rather than repeating the exercise in successive phases, especially if many applications had initially to be set aside pending agreement on the interpretation of the criteria. In addition, as the operation has to take place inside as well as outside the Territory, in the presence of the sheikhs concerned, a simultaneous approach would be logistically

more efficient and less likely to cause irregularities and confusions such as double entries in registration.

29. In agreeing in principle to the settlement proposals in August 1988, the two parties gave the United Nations in cooperation with the Organization of African Unity the exclusive authority and responsibility to organize and conduct a referendum which would enable the people of Western Sahara to determine their future. In this spirit, the General Regulations for the Organization and Conduct of the Referendum issued on 8 November 1991 stipulate that "any serious implementation difficulty or divergence of views concerning the interpretation of the settlement plan or these General Regulations that may arise between the authorities of MINURSO and the parties or one of the parties shall be settled by the Secretary-General of the United Nations, after recourse to the Special Representative." 8/ In the preamble of its resolution 809 (1993), the Security Council recalled that "it is for the Secretary-General to determine the instructions for the review of the applications for participation in the referendum and that the Council welcomed in its resolution 725 (1991) the report of the Secretary-General dated 19 December 1991 (S/23299)." It follows that acceptance by both parties of the role of the Secretary-General as guarantor of an objective and impartial referendum is central to the operation. At the same time, it is clear that should either party disagree with any instructions by the Secretary-General for giving effect to the provisions of the settlement plan, it might choose not to participate in its implementation.

30. In paragraph 4 of its resolution 809 (1993) the Security Council asked me to report on the prospects and modalities for the holding of the referendum on a free and fair basis with a view that this take place by the end of the current year at the latest. In view of the remaining difficulties explained in this report, it is obviously not possible to meet this expectation. On the assumption that these remaining difficulties are settled and that progress is made in the initial stages of the registration process, I hope to be able to submit a report to the Council early next year, together with a detailed timetable and recommendations for the necessary adjustments to the present strength of MINURSO, with a view to holding the referendum in mid-1994. I would like to point out, however, that any estimated date set at this stage still bears little meaning unless both parties demonstrate a spirit of cooperation and forbearance without which the implementation of the settlement plan would continue to evade us. I propose to maintain the existing military and civilian strength of MINURSO until my next report.

Notes

1/ S/25818.

2/ S/26185.

3/ S/21360 and S/22464.

4/ S/25170.

5/ S/23299, annex.

6/ S/26239.

7/ S/26185, annex I.

8/ Ibid., annex III, regulation 26.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/26798
24 November 1993
ENGLISH
ORIGINAL: RUSSIAN

NOTE VERBALE DATED 19 NOVEMBER 1993 FROM THE PERMANENT MISSION OF THE RUSSIAN FEDERATION TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of the Russian Federation to the United Nations presents its compliments to the Secretary-General of the United Nations and, further to its note No. 602 of 14 October 1993, has the honour to transmit the text of the decision of the Council of Ministers - Government of the Russian Federation* of 4 November 1993 "On measures relating to the implementation of United Nations Security Council resolution 864 (1993) of 15 September 1993".

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* The text of the decision may be consulted in room S-3545.

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UNITED
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Security Council

Distr.
GENERAL

S/26799
24 November 1993
ENGLISH
ORIGINAL: RUSSIAN

NOTE VERBALE DATED 22 NOVEMBER 1993 FROM THE PERMANENT MISSION OF THE RUSSIAN FEDERATION TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of the Russian Federation to the United Nations presents its compliments to the Secretary-General of the United Nations and, further to its note No. 633 of 27 October 1993, has the honour to transmit the text of the decree of the President of the Russian Federation* of 6 November 1993 regarding sanctions against Haiti.

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* The text of the decree may be consulted in room S-3545.

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UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/26800
25 November 1993
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 24 NOVEMBER 1993 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that the violations of Iraqi airspace by United States aircraft for purposes of reconnaissance, provocation and the dropping of heat flares continued over the period 16 to 22 November 1993.

16 November 1993

(a) Northern region: 38 sorties, flown at speeds of 600 to 900 kilometres per hour and at altitudes of 5,000 to 8,500 metres, centred over Mosul, Irbil, Dohuk, Tall Afar, Amadiyah, Ayn Zalah and Zakho.

(b) Southern region: 48 sorties, flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,500 to 8,500 metres, centred over Basra, Nasiriyah, Samawah, Amarah, Busayyah and Jalibah.

At 1515 hours, United States aircraft dropped five heat flares 25 kilometres south-east of Mosul.

17 November 1993

(a) Northern region: 24 sorties, flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 8,000 metres, centred over Mosul, Irbil, Dohuk, Tall Afar, Amadiyah, Zakho and Aqrah.

(b) Southern region: 38 sorties, flown at speeds of 600 to 900 kilometres per hour and at altitudes of 7,000 to 9,000 metres, centred over Basra, Nasiriyah, Samawah, Amarah, Artawi, Busayyah, Jalibah, Qurnah, Salman and Qal'at Salih.

18 November 1993

(a) Northern region: No hostile aerial activity was reported in the northern region on 18 November 1993.

(b) Southern region: 34 sorties, flown at speeds of 600 to 900 kilometres per hour and at altitudes of 7,000 to 9,000 metres, centred over Nasiriyah, Samawah, Qurnah, Amarah, Busayyah and Jalibah.

At 1245 hours, a United States TR-1 reconnaissance aircraft was detected over the Samawah area flying at a speed of 600 kilometres per hour and at an altitude of 18,000 metres. It disappeared over the Jabal Sanam area at 1455 hours in the direction of Kuwaiti airspace.

19 November 1993

(a) Northern region: 4 sorties, flown at speeds of 600 to 900 kilometres per hour and at altitudes of 8,000 to 8,500 metres, centred over Mosul, Irbil, Dohuk, Amadiyah and Zakho.

(b) Southern region: 32 sorties, flown at speeds of 600 to 900 kilometres per hour and at altitudes of 7,000 to 9,000 metres, centred over Nasiriyah, Samawah, Amarah, Artawi, Busayyah, Jalibah and Qal'at Salih.

20 November 1993

(a) Northern region: No hostile aerial activity was reported in the northern region on 20 November 1993.

(b) Southern region: 32 sorties, flown at speeds of 600 to 900 kilometres per hour and at altitudes of 8,000 to 8,500 metres, centred over Basra, Nasiriyah, Qurnah, Samawah, Salman, Artawi, Busayyah and Jalibah.

21 November 1993

(a) Northern region: 13 sorties, flown at speeds of 600 to 900 kilometres per hour and at altitudes of 7,000 to 8,500 metres, centred over Mosul, Irbil, Zakho, Dohuk, Tall Afar and Amadiyah.

(b) Southern region: 22 sorties, flown at speeds of 600 to 900 kilometres per hour and at altitudes of 7,000 to 8,500 metres, centred over Nasiriyah, Samawah, Qurnah, Busayyah and Jalibah.

At 1325 hours, a hostile formation flying at an altitude of under 1,000 metres dropped three heat flares 40 kilometres north-west of Mosul.

At 1546 hours, a hostile formation flying at an altitude of 7,000 metres dropped four heat flares 2 kilometres north of the lake formed by Saddam Dam in the Mosul area of the Ninawa Governorate.

22 November 1993

(a) Northern region: 26 sorties, flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 7,500 metres, centred over Irbil, Dohuk, Tall Afar, Amadiyah, Zakho and Dukan.

(b) Southern region: 42 sorties, flown at speeds of 600 to 900 kilometres per hour and at altitudes of 6,000 to 8,500 metres, centred over Nasiriyah, Qurnah, Samawah, Qal'at Salih, Artawi and Busayyah.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

UNITED
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Security Council

Distr.
GENERAL

S/26801
25 November 1993

ORIGINAL: ENGLISH

LETTER DATED 24 NOVEMBER 1993 FROM THE PERMANENT REPRESENTATIVE OF HUNGARY TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

As the representative of the country holding the current chairmanship of the Central European Initiative (CEI), I have the honour to transmit herewith the text of the political part of the document adopted by the Foreign Ministers of CEI (Austria, Bosnia and Herzegovina, Croatia, Czech Republic, Hungary, Italy, Poland, Slovakia, Slovenia and the former Yugoslav Republic of Macedonia) at their meeting held on 19 and 20 November 1993 in Debrecen, Hungary.

I should be grateful if you would have the text of this letter and its annex distributed as a document of the Security Council.

(Signed) André ERDÖS
Permanent Representative

93-66089 (E) 261193 281193

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Annex

Political part

The Ministers for Foreign Affairs of Austria, Bosnia and Herzegovina, Croatia, the Czech Republic, Hungary, Italy, Poland, Slovakia, Slovenia and the former Yugoslav Republic of Macedonia, met on 19 and 20 November 1993 in Debrecen for the regular autumn ministerial meeting of the Central European Initiative (CEI).

The Ministers expressed their deep regret that, within the framework of the International Conference on the Former Yugoslavia, no lasting peaceful solution to the crisis had been achieved as yet. They condemned the continuing military attacks within the territory of Croatia and Bosnia and Herzegovina, and reaffirmed their commitment to ensure respect for the sovereignty and territorial integrity of both States. In this context they stressed the utmost importance of finding a political solution. They also appreciated the latest ideas being considered by the European Union and by the Co-Chairmen of the International Conference on the Former Yugoslavia on a comprehensive approach aimed at solving, in two stages, all aspects of the crisis, primarily the settlement of the conflict in Bosnia and Herzegovina and a modus vivendi for the areas of Croatia under the mandate of the United Nations Protection Force (UNPROFOR) and the United Nations protected areas (UNPAs) as an interim step, and successively a definitive solution to the problem of the UNPAs, the autonomy of Kosovo and Vojvodina within Serbia, as well as the protection of the rights of the Muslim population in the Sandjak.

The Ministers, deeply concerned about the further deterioration of the situation in Bosnia and Herzegovina, stressed the need to take all possible actions to produce an immediate and unconditional halt to hostilities and establish peace before the coming winter. In this context they called on the Bosnian Serb Army to stop the shelling of Sarajevo and other areas besieged by it. They also called on the Croatian Defence Council (HVO) and the regular Bosnian Army to stop fighting in central Bosnia and Herzegovina and to bring to justice all those responsible for the atrocities being committed in those areas.

The Ministers called upon all parties to the conflict in Bosnia and Herzegovina to take all necessary measures to ensure the free flow of humanitarian aid. They expressed in this regard their full support for the European Union Declaration of 29 October 1993 on the continuation of humanitarian aid to Bosnia and Herzegovina, and called on all parties to cooperate fully with the international relief organizations, so as to provide secure access for deliveries to the population on all territories affected. They called for the urgent opening of the airports at Tuzla, Bihac and Mostar for the delivery of humanitarian aid.

They also condemned all forms of violation of international humanitarian law, specifically the policy and practice of ethnic cleansing, the systematic destruction of mosques, churches, synagogues and other religious monuments and institutions of cultural heritage in Bosnia and Herzegovina.

While expressing great concern about the situation in Croatia, the Ministers welcomed the adoption of United Nations Security Council resolution 871 (1993) and called on the parties concerned to negotiate in good faith and facilitate its rapid implementation, thus contributing to the full realization of the United Nations peace-keeping plan for the country. They reaffirmed the importance of fully reintegrating the UNPAs into the social, economic, political and legal system of Croatia, enabling the return of displaced persons and refugees to their homes, with the necessary provisions for territorial self-government in the areas where the Serbian minority represented the majority of the population according to the latest census, and cultural autonomy of the Serbian ethnic community. In this respect the Ministers considered the latest proposals provided by the Croatian Government to be an important and commendable step furthering the peace process in Croatia. The Ministers, among other matters, acknowledged the importance of immediately reopening all road and rail communications and repairing power and water-supply facilities in Croatia, including the Adriatic oil pipeline.

The Ministers noted that all the countries of the region were being seriously affected by the implementation of the Security Council's sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) and asked the United Nations bodies concerned to find appropriate ways of compensating these States in the shortest possible time for the losses they have suffered.

The Ministers appealed to the Government in Belgrade to intensify its efforts for a substantial contribution to the peace process in accordance with all relevant United Nations resolutions and considered such an attitude as one of the major preconditions for admission of the Federal Republic of Yugoslavia (Serbia and Montenegro) to CEI.

The Ministers reaffirmed their commitment to strengthening cooperation among the countries in Central Europe linked by historical and geographical bonds. They considered regional cooperation within CEI not as an alternative but as a complement to multilateral efforts for European integration in such broader forums as the Conference on Security and Cooperation in Europe (CSCE), the European Union, the Council of Europe and others. They noted with satisfaction that the cooperation within CEI, as an element of an emerging new European architecture, is a substantial contribution to the strengthening of political and economic stability at an all-European level.

Bearing this in mind, the Ministers agreed to continue strengthening the role of CEI as an important forum for:

(a) Identifying the most urgent needs of its member States, particularly in the fields of economic and infrastructural development, science and technology and culture, with a view to finding appropriate solutions;

(b) Organizing political dialogue on selected issues among the member States;

(c) Formulating, wherever possible, joint positions to be presented at international forums, and elaborating, in special cases common documents;

(d) Exchanging information on experience concerning the implementation of internationally accepted norms and principles of democracy, human and minority rights as well as of a market economy in the CEI region.

On the occasion of the entry into force of the Treaty of Maastricht, the Ministers welcomed the establishment of the European Union, which they regarded as a crucial step in the European integration process. The Ministers expressed the wish that in the future all CEI member States, identifying themselves with the basic principles and aims formulated by the Treaty, would become an integral part of the European Union.

The Ministers had an exchange of views on the development of contacts with non-member States, taking into account the different degrees of interest they have manifested in cooperating with CEI and their involvement in its activities. It was agreed that for the time being the member States would concentrate on efforts to consolidate the Initiative and to improve its efficiency and therefore an enlargement of the CEI appeared premature.

The Ministers took note with satisfaction of the interest shown by Belarus, Bulgaria, Romania and Ukraine and stressed the relevance of the Contact Committee as the main forum for discussing and developing relations with them. The need to strengthen the operative role of the Contact Committee and to convene it at Foreign Ministers' level, if so requested, was also emphasized.

Bavaria's continued presence as a special guest in the Contact Committee was also recommended with a view to its active participation in several Working Groups.

Concerning the applications for CEI membership submitted by Albania and the Republic of Moldova, the Ministers welcomed their interest and took note of the decision by the National Coordinators to offer these countries the possibility of participation in the Working Groups of the Initiative. Concrete action on participation in the Working Groups of interest to them would be taken in the light of the results and conclusions of a fact-finding mission undertaken by the chair.

The Ministers also took note of the interest expressed by the Russian Federation in CEI and decided to give a mandate to the Troika of the National Coordinators to continue exchanging information with high-level representatives of the Ministry of Foreign Affairs of the Russian Federation on matters of mutual interest.

The Ministers encouraged the continuation of expert consultations on selected political issues and underlined the need to concentrate on specific problems. In this context they welcomed the offer by Poland to host the first meeting of a new consultation group on xenophobia, illegal migration and extremist violence in mid-January 1994 in Warsaw. They also mandated the CEI consultation group on CSCE to explore the possibility of joint contribution to the CSCE Budapest Review Conference in 1994. They expressed their support for the admission of the former Yugoslav Republic of Macedonia to CSCE as a participating State at its next ministerial meeting in Rome.

The Ministers expressed their support for the efforts aimed at the admission to the Council of Europe of CEI countries that are not members yet.

The Ministers noted with satisfaction the progress made by the Working Group on Minorities in elaborating an instrument for the protection of minority rights in the CEI region. The Ministers called upon the Working Group to conclude the formulation of the above instrument as soon as possible, taking into account the need to strengthen the balance between the role of the State and the rights of persons belonging to national minorities. They expressed their opinion that the success of such an endeavour could be a significant contribution to the work being undertaken by the Council of Europe on the same issue in an all-European framework. To this purpose, the establishment of closer working contacts between the CEI Working Group on Minorities and the relevant bodies of the Council of Europe was deemed desirable. In their opinion the review of the situation of national minorities in individual CEI member States, the identification of problems and the comparison of various views and practices were contributing to improving the spirit of mutual confidence and understanding. Therefore they encouraged the continuation of such reviews in the future.

The Ministers stressed the need for maintaining continuous contacts with regional organizations and groupings, with a view to strengthening intra-European cooperation. They noted with satisfaction the invitation from the Chairman of the Black Sea Economic Cooperation sent to the country holding the CEI chairmanship to attend its Meeting of Foreign Ministers on 9 December in Sofia and recommended acceptance of it.

The Ministers underlined the importance of the development of contacts between parliamentarians within the CEI framework. They took note of the meeting of the parliamentary group that was taking place simultaneously in Szeged. In order to improve coordination they suggested to convene their future meetings at the cities where the Ministers meet.